

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

HEB GROCERY COMPANY, LP,

Plaintiff,

vs.

Case No. 4:17-cv-02810

TODD MEAGHER, IRENE ALEXIS MEAGHER,
and MYSTORE, INC.,

Defendants.

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF

MICHAEL J. LINDELL

Taken on January 15, 2019

Commencing at 9:07 a.m.

REPORTED BY: PAULA K. RICHTER, RMR, CRR, CRC

1 CONFIDENTIAL VIDEOTAPED DEPOSITION OF MICHAEL
2 J. LINDELL, taken on January 15, 2019, commencing at
3 9:07 a.m., at Oakridge Hotel and Conference Center,
4 1 Oakridge Drive, Chaska, MN 55318, before Paula K.
5 Richter, Registered Merit Reporter, Certified
6 Realtime Reporter, and Notary Public of and for the
7 State of Minnesota.

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13 ALSO PRESENT: Ira Livingston, IV - Videographer

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23 NOTE: The original transcript will be
24 filed with VINSON & ELKINS, pursuant to the
25 applicable Rules of Civil Procedure.

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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are on the
3 record to begin the video recorded deposition of
4 Michael Lindell in the matter of HEB Grocery
5 Company, LP versus Todd Meagher --

6 MR. POWERS: Meagher.

7 THE VIDEOGRAPHER: -- Meagher, et
8 al.

9 Today's date is January 15th, 2019.
10 The time is 9:07 a.m.

11 This case is filed in the United
12 States District Court, the Southern District of
13 Texas, under civil action number 4:17-CV-02810.
14 This deposition was requested by Jason M. Powers
15 of Vinson & Elkins, LLP, counsel for the
16 plaintiff.

17 We are in Oakridge Hotel and
18 Conference Center located at 1 Oakridge Drive in
19 Chaska, Minnesota.

20 The court reporter is Paula Richter
21 with the offices of Lexitas. And my name is Ira
22 Livingston, IV. I am a representative of Lexitas
23 located at 13101 Northwest Freeway, Suite 210, in
24 Houston, Texas.

25 If all counsel present could

1 identify themselves and whom they represent and
2 the location of their offices.

3 MR. POWERS: Jason Powers for the
4 Plaintiff, HEB Grocery, from Houston, Texas.

5 MR. SMITH: Tyson Smith, law firm of
6 Pirkey Barber, also representing HEB, located in
7 Austin, Texas.

8 MR. PATE: Gary Pate with Thompson,
9 Coe in Houston representing
10 defendants/counter-plaintiffs Todd Meagher, Alexis
11 Meagher, and MyStore, Inc.

12 Jason, can we agree to designate
13 this deposition transcript as confidential?

14 MR. POWERS: We can.

15 MR. PATE: Thank you.

16 MR. SPRINGER: Joe Springer, general
17 counsel of MyPillow, representing Mike Lindell
18 Products, LLC and Mike Lindell individually.

19 THE VIDEOGRAPHER: If the court
20 reporter could please swear in the witness, we may
21 continue.

22 MICHAEL J. LINDELL,
23 duly sworn, was examined and testified as follows:

24

25 (Next page, please.)

DIRECT EXAMINATION

BY MR. POWERS:

Q. Good morning, sir.

A. Good morning.

Q. Would you please state your name for the record.

A. Michael James Lindell.

Q. Mr. Lindell, you understand that I represent the plaintiff in this case, HEB Grocery?

A. Uh-huh, yes.

Q. Have you given depositions before, Mr. Lindell?

A. Yes.

Q. About how many times would you say you've done it?

A. I don't know. Five maybe.

Q. Okay. So you're familiar --

A. Aren't you going to ask me how I did?

Q. But you're familiar with the procedure. You understand --

A. Yes.

Q. -- the ground rules?

A. Yes, yes.

Q. Very good. Just for the sake of formality, let me present to you what I'll mark as Exhibits 1

1 and 2 to your deposition.

2 (Exhibit 1 and Exhibit 2 were marked
3 for identification.)

4 BY MR. POWER:

5 Q. And just ask you to confirm that these are
6 the subpoenas pursuant to which we are taking your
7 deposition today.

8 A. Yes.

9 Q. The deposition that is directed to Mike
10 Lindell Products, LLC requests that that
11 organization designate a representative to appear
12 on its behalf. Are you that representative today?

13 A. Yes.

14 Q. That request also seeks the production of
15 three categories of documents. Before we begin,
16 your counsel, Mr. Springer, handed us a stack of
17 documents with the labels MP1 through MP38. Are
18 these the documents that Mike Lindell Products,
19 LLC produces in response to the subpoena today?

20 A. Yes.

21 Q. I will mark your copy of that as Exhibit 3 to
22 the deposition, and we may refer to pages of that
23 as we go through --

24 A. All right.

25 Q. -- the day.

1 (Exhibit 3 was marked for
2 identification.)

3 BY MR. POWERS:

4 Q. The jury, I suspect, will be familiar with
5 you and your business, so I think we can dispense
6 with some of the background questions, but let me
7 ask you this: Your company is currently the owner
8 of an Internet domain name called MyStore.com; is
9 that right?

10 A. Correct.

11 Q. And which entity is it that owns that domain
12 name?

13 A. Mike's Products, LLC. Mike's --

14 MR. SPRINGER: I think Mike Lindell
15 Products, LLC.

16 THE WITNESS: Or Mike Lindell
17 Products, LLC.

18 BY MR. POWERS:

19 Q. Mike Lindell Products, LLC.

20 A. I've got a lot of LLCs.

21 Q. Okay. Have you seen the website that is
22 currently occupying that domain name, MyStore.com?

23 A. Yes. I built it the other day.

24 (Exhibit 4 was marked for
25 identification.)

1 BY MR. POWERS:

2 Q. Does Exhibit 4 appear to be the website as it
3 currently exists today for --

4 A. Yes.

5 Q. -- MyStore.com?

6 A. Yes.

7 Q. Could you tell us what MyStore.com is going
8 to be, sir?

9 A. It's going to be a platform for entrepreneurs
10 that are -- that in this country get lost where
11 they go on Amazon and they get corruptly copied by
12 people on Amazon, companies taking their ideas and
13 copy them overseas.

14 They -- it's basically a safe haven
15 for entrepreneurs that have brought me products
16 over the last two or three years to be able to
17 have a safe platform where millions of eyes are
18 going to come and purchase their products.

19 Q. So this will be for people who are inventors
20 or they have business ideas?

21 A. They'll be inventors. It could be ideas. It
22 could be inventions. It could be -- I have
23 another company vetting them right now that's on
24 the website where they either have to help people
25 in -- mentally, physically in their faith or may

1 be the entrepreneur. A lot of them will be Made
2 in the USA products. And this is gonna be -- I
3 basically took all the problems that entrepreneurs
4 have and opened the gates where they can, you
5 know, have access to an amazing platform to sell
6 products, and I'll get the eyes there.

7 Q. Gotcha. So the concept is that these
8 products that are offered through the website will
9 all have some kind of faith or health component
10 associated with them?

11 A. Faith, health, physically, mentally. It's
12 got to -- it's got to be a purpose, not for them
13 just to make money. But it could be just to help
14 the entrepreneur if it's a good product. I mean,
15 it's very -- it's very much in my discretion what
16 I'm going to put up there. This is my reputation
17 too. I'm not going to put up any products where
18 corrupt people are behind it or things that don't
19 meet my criteria to let them up in the platform.

20 And it's going to be -- right now
21 entrepreneurs are blocked from box stores.
22 They're blocked everywhere. They -- like, you
23 know, and they -- and patents are as good as the
24 paper they're printed on sometimes. I mean,
25 it's -- so all the problems I've had as an

1 entrepreneur, I took -- you know, I feel sorry for
2 these entrepreneurs and -- getting these to idea.

3 And then the revenue generated from
4 MyStore, most of that or all of it's going to go
5 to fund my recovery network and -- for addicts.
6 Me being a former crack addict, they -- I've got
7 an amazing platform for that that's going to help
8 addicts across the country. We'll have paid
9 mentors. And then also my foundation.

10 Q. Do I understand that the inventors or other
11 sellers who are using the platform will be dealing
12 with a company called MS Product Development,
13 LLC --

14 A. No.

15 Q. -- is that right?

16 A. No. They'll be dealing with Mike -- Mike
17 Lindell, LLC, the management or whatever. This
18 is -- this other company is a company that's
19 vetting them. I mean, you know --

20 Q. I see.

21 A. -- they're vetting the products, screening
22 them. You get -- you know, not every product
23 entered is going to make it. There's -- you know,
24 there's a lot of crazies out there, you know.

25 Q. Could you describe --

1 A. I invented a pillow. You should invent this
2 dog bed. Really I've had it for four years, you
3 know.

4 Q. And just very briefly, I don't need the
5 details on this, but what will that vetting
6 process entail in a general way?

7 A. You know, where they are is that you're not
8 just vetting the product and -- and see how far
9 they are along. Imagine -- like you've seen Shark
10 Tank. You've seen this -- other inventor sites.
11 You're vetting not just a -- the product to see,
12 you know, is it useful? Where does it come from?
13 Is there a purpose behind it? Who's the
14 entrepreneur?

15 I mean, it's not gonna -- I mean,
16 this isn't gonna be another platform for some --
17 for this entrepreneur that's got -- that's got it
18 made out there unless the product would actually
19 help people on this end. It's got to have a
20 purpose, the whole thing.

21 And there's -- there's -- and, you
22 know, ideally the product would help people. The
23 entrepreneur would be making them, you know, and
24 it may be in his garage and he doesn't have enough
25 money to go to the next level. We'll be helping

1 on different levels with that.

2 You know, when an entrepreneur goes
3 on Shark Tank, they might need money, they might
4 need manufacturing, they might have a great idea
5 and they don't even know how to get it there.
6 They might have -- they might just need marketing.
7 They have great -- that's usually the case. They
8 need marketing.

9 And you get up on corrupt Google or
10 corrupt Amazon or corrupt Facebook or corrupt
11 Twitter -- did I say that -- you get up on these
12 platforms and you get swallowed up by corruptness,
13 and that -- it's a bad space for an entrepreneur
14 to be in.

15 You can -- I had one just the other
16 day, a great product here in Minnesota. He came
17 to me, a little entrepreneur. He's got his life
18 savings, him and his wife. It was their life
19 savings. They're like, I don't know, 60, 70 years
20 old. And a great product. And he went up on
21 Google, didn't know what he was doing, and they
22 swallowed up all his money. It was like 20 grand,
23 and he didn't even know what button he hit for --
24 to buy ads. And here, of course, guess what? You
25 don't get your money back. If you don't pay us,

1 you don't get to be on Google. Well, isn't that
2 something?

3 Q. Okay. So you would anticipate that some of
4 the inventors who will be featured on this
5 platform will be people who need help in the
6 manufacturing process?

7 A. It could be anything. It could be very
8 broad. Manufacturing, money, marketing.
9 Basically a safe platform.

10 There's a difference. You can go up
11 on a platform. You can go up on Amazon and within
12 three days you're going to be copied something
13 made overseas right next to you. They're
14 advertise -- they're going to sell ads above you
15 depending on how good your product is. By the
16 time you see your product, you're going, what was
17 I googling anyway?

18 Q. So you may be working with these inventors or
19 others and take their ideas and actually make them
20 into saleable products? Is that --

21 A. They're not just ideas. Most of them have
22 products. They -- you know, it's just -- it's
23 real broad. You know, we've got from over here
24 just an idea, over here to where they've got --
25 they've been working out of their garage and they

1 can't -- it's a great idea but they get -- there's
2 no platform.

3 If you go do shows and fairs and
4 stuff, which is a great platform to learn about
5 your product in this country, you get copied by --
6 I won't even name the companies -- they'll copy
7 your product and they'll -- because they have
8 access to all the box stores, and they'll put them
9 in there and it's -- you're done. You're going,
10 what, my product is already in Walmart? Are you
11 kidding me? This is crazy.

12 And those are the -- that's the
13 biggest group probably right there, that they've
14 got great ideas, great products. Or they'll go on
15 a GoFundMe and they're -- and they're -- and then
16 they're copied there. Before they even get their
17 funds, their product is out there.

18 Now, you can sit there and say,
19 well, you know -- well, I've got a patent. Well,
20 whoop-de-do, you know.

21 Q. Right.

22 A. By the time these corrupt people then go to
23 the entrepreneur and they go -- you know, even if
24 it did go all the way to court, well, here's a
25 million dollars. He might have made 100 million,

1 you know. It's just -- it's all part of them
2 doing business, all the corruptness when it comes
3 to inventions in this country and Made in the USA.

4 Q. Okay. So using the MyStore.com platform,
5 some of these vendors will be able to market their
6 products; is that right?

7 A. Yeah, absolutely.

8 Q. And will they also be able to actually sell
9 the product on the website?

10 A. That's what they're doing.

11 Q. Okay. And it's --

12 A. This is a sales platform.

13 Q. Right. So it won't just be advertising. It
14 will be -- you can actually make a purchase on the
15 website?

16 A. Yeah, absolutely. It's all -- this is all --
17 this is all -- you come on board. We don't just
18 teach you -- you know, we're not a teaching
19 company, how to fish; this is where you fish in
20 this pond. I'm going to bring all the eyes there
21 in this country to this platform --

22 Q. Okay.

23 A. -- you know. I want to do what Amazon did in
24 15 years, do it in 2.

25 Q. And you will be -- your company will be

1 providing services, actually helping to ship
2 product after it's --

3 A. Yeah, yeah. We made a big deal with a big
4 shipping company. And I won't name their name.
5 It's FedEx. Great company. They -- yeah, I'm
6 going to have hubs around the U.S. where --
7 because we're going to be so big. I know the -- I
8 know numbers. I know scalable numbers and I
9 know -- I know all the advertising world and I
10 know the eyes that are going to come there, so I
11 had to go to them to say, here's how big we're
12 going to get and here's what we're going to need
13 for hubs, because I don't want to implode them
14 either, you know.

15 Q. Right.

16 A. I know that sounds -- you know, you're going
17 to implode FedEx? Well, I want my people to get
18 the stuff on time, so we -- you know, if all of a
19 sudden this happens the way it's gonna happen, you
20 know, I cross all the T's and dot the I's, you
21 know.

22 Q. And you'll be able to accept payments on
23 behalf of the manufacturers and the inventors and
24 the sellers and --

25 A. Yeah. There's -- you know, the way things

1 work on that, Amazon does it like in three ways.
2 You can sell product directly to Amazon. You can
3 give them product directly to Amazon, where they
4 house it and sell your product. You control
5 everything but the -- but they're shipping out of
6 the warehouse. Or you can ship it yourself.

7 Now, they have -- the problem there
8 is obviously Amazon shows favoritism if they get
9 this and this and this. It might be a little
10 twisted there. So you're taking all the -- you're
11 tweaking all the good things of things that are
12 already out there, putting them on there -- you
13 know, it's like reverse-engineering anything. You
14 take all the -- add all the good, keep the good,
15 get rid of the bad. And this is what this lineup,
16 one of the beautiful sales -- and then all you
17 need is eyes. I'll bring the eyes --

18 Q. Okay.

19 A. -- you know, so it's going to be --

20 Q. But your website will actually be able to
21 help with distribution and fulfillment and --

22 A. It does everything. That's what -- yeah.
23 I'm going to be -- yeah, I'm going to be -- I'm
24 being that fulfillment. I'm being that -- the
25 marketer. I'm getting the eyes there.

1 I have -- we're building a studio,
2 getting a studio now where we're going to be
3 filming the entrepreneurs. Every square is going
4 to have a story behind it. It's not just, here's
5 a product. Here's a coffee cup. It's -- no.
6 It's going to be, this entrepreneur, what was your
7 passion behind it? It's kind of like every square
8 of -- meaning MyPillow when it was back in the
9 day, this entrepreneur, he's got a story.

10 Incidentally, that's one of the
11 reasons I like the name MyStore. I didn't want it
12 to be Mike's Products. I wanted that entrepreneur
13 to take some pride in -- you know, hey, you can go
14 to MyStore. It sounds kind of cool. You go to
15 MyStore and you've got -- you know, you can see my
16 product there.

17 You don't say, go to Mike's store or
18 Mike Lindell, you know. I don't want to take
19 their products. I want them to have -- you know,
20 to be -- take some passion and -- you know, in
21 their invention, you know.

22 Q. And the website will actually feature
23 demonstration videos that your company produces?

24 A. Yeah, yeah. It will be -- yeah, we'll be
25 producing anything that goes up there. That's

1 representing me now too, this platform. It's
2 going to be the most amazing platform where you
3 have -- you have a square with a product and
4 there's a story behind the entrepreneur.

5 You're not just saying, here's the
6 best coffee cup ever. That's not how I market, as
7 you know. You know, this is -- this is where --
8 you know, there's a story behind it. Why am I
9 backing this guy? Why do I care about this
10 entrepreneur? And I'll tell you a story. Hey,
11 this guy is a good guy. He's from Burnsville,
12 Minnesota or whatever and he was working out of
13 his backyard and we found him. This is the best
14 invention. You know, this is the best thing since
15 sliced bread, you know, and stuff like that.

16 And then -- and then he might have a
17 website within the website maybe or to transfer
18 over or if they -- and if they want to leave, you
19 know, they can go out there with all the
20 corruptness. They're welcome to do that. And
21 they might not because of the way Google and
22 everything else works, the corrupt ad buying, that
23 if he does that, they might not be able to be on
24 here. I'm checking those yet, because it becomes
25 too much for us to fight Google AdWords and fight

1 for all their products.

2 That's just -- you know, if they
3 want to stay safe, stay here. If you want to go
4 out here, go ahead. Good -- you know. I'm not
5 saying it can't be done because I did it, but
6 it's -- you've got to -- better know where the --
7 what's behind that door.

8 Q. It sounds like this project is very much
9 informed by your own experience starting a
10 business?

11 A. Absolutely.

12 Q. When did you first conceive of this idea of
13 providing a platform to --

14 A. I would say at least two years ago. It could
15 be three.

16 Q. At the time when you had this idea, did you
17 know you wanted to call it MyStore?

18 A. No, no. In fact, one of the biggest drivers
19 to this is going to be my book when it comes out
20 because 30 million people are going to get my book
21 and I can send them all, so you have instant eyes.

22 And when I was -- and my book wasn't
23 ready yet back then, and I was -- you know, the --
24 we thought of different ideas. We thought of --
25 and you can even look back. We've got like Mike's

1 Products and stuff. And I would just sit and --
2 sit and think about it, pray about it and go, no,
3 that just -- I always look at everybody's end
4 game. Here's the entrepreneur, if I'm telling you
5 on the street, I don't like that name, you know,
6 Mike's products, you know. Some people may not
7 like me, you know. I don't know where. No, I'm
8 just kidding. That's my political ad there.

9 Q. Were there other names that you had
10 considered where you were actually looking at
11 domain names and trying to acquire domain names?

12 A. Yeah. Mike's Products I think was one.
13 Mike's -- Mike's Store, is just a couple that come
14 to mind. We've got a whole -- and a lot of them
15 we -- you know, I had my -- my group -- I have
16 like two people I do all my stuff with. My --
17 these two gals have been with me for a long -- and
18 we sat in a room and then actually this -- another
19 guy too. And we just threw stuff around in the
20 room, and then you'd -- you know, another week
21 would go by and you'd look at them again and go,
22 no, that just don't sound right and -- just don't
23 sound right and -- yeah.

24 I wanted to tie in where people knew
25 it was me but -- putting all my credibility on it,

1 but -- but not necessarily being grandiose, saying
2 they're Mike's products. And that's -- that's a
3 big thing because the entrepreneur, I just want
4 them to, you know, have what I've had with
5 MyPillow. To have that sense, you know, what an
6 amazing thing to get through, to bust through all
7 this and be able to get this -- something you made
8 and produced to market.

9 And -- and I worked seven years in
10 the trenches, they call them, home shows and fairs
11 throughout the U.S. and Canada, and I watched so
12 many -- so many good products get copied, taken.
13 I watched -- I'm not going to name big companies,
14 but I'm -- I've seen it happen there too like you
15 wouldn't believe, on -- on all platforms. And I
16 know these people. I'm going, how could you do
17 this to people?

18 Q. So did the idea of calling it MyStore come
19 out of one of these meetings --

20 A. Uh-huh.

21 Q. -- with you and your team?

22 A. Yep, yep.

23 Q. And at -- and once you identified that name
24 as being a name you liked, you sent someone to go
25 figure out --

1 A. I moved --

2 THE COURT REPORTER: I'm sorry. Can
3 you try and wait until he's done with the
4 question?

5 THE WITNESS: Okay, sure.

6 THE COURT REPORTER: You're kind of
7 talking over each other.

8 BY MR. POWERS:

9 Q. I'm sorry. Go ahead. The -- after you
10 identified this name, you sent someone to go see
11 if you could actually acquire that domain name?

12 A. Yeah. In about 30 seconds. That's how I
13 move. It was like, have you left the room yet to
14 call, you know? That's how I do everything. We
15 don't have big board meetings of -- with
16 PowerPoints. It's not how my company works.

17 We'll sit like this. If it's the
18 right and I know it's right, I might pray about it
19 and (descriptive sound) there it is. Go get --
20 find this guy, you know. We've done that with a
21 lot of different things.

22 Q. Sure. Now, is this --

23 A. I went through a same -- similar thing with
24 my foundation and my recovery network. Getting --
25 like trying to get Lindell.com or dot-org. And,

1 you know, there's another thing. You want to talk
2 about corruptness, you can't even get your own
3 name, you know. Mike Lindell.com I can't get, you
4 know.

5 But they -- you know, so we went
6 through that. So yeah, we sent -- I sent them
7 right away to get ahold of whoever, you know.
8 First you look it up and then you've got to try
9 and reach out to whoever it is.

10 Q. And is this something that you assigned to
11 Todd Carter?

12 A. Uh-huh.

13 Q. And for the jury's information, who is Todd
14 Carter and what's his job title?

15 A. He's my top -- what's his title? It's IT --
16 I mean, he's my intelligence officer. I don't
17 know what you'd call him. He's --

18 Q. Is he the chief technology officer?

19 A. Yeah, the chief technology officer. I don't
20 know --

21 Q. Is there a --

22 A. I just figured out what a CEO is a few years
23 ago.

24 Q. And does he work for an entity called Lindell
25 Technologies, LLC?

1 A. Yeah. And Lindell Management, L -- and
2 Lindell Management. I think -- I think Lindell
3 Technologies is under that. He's got --

4 Q. Okay. Were there any other domain names that
5 he was investigating potentially acquiring at the
6 time?

7 A. No. That's the one I sent him, go get it
8 because I just knew it was right. I just -- when
9 it got brought up, I went, wait a minute, that's
10 perfect. Because I imagined the entrepreneur on
11 the other end, and that's all I could think of was
12 him telling his friend, go to MyStore, and it
13 would be like a branding like no other, you know.

14 Q. Right.

15 A. It was kind of like MyPillow. You know,
16 where's MyPillow, you know? Back then it sounded
17 weird. Any my's sounded very weird. I was one of
18 the first ones ever, and I'm going, that's kind of
19 corny, but --

20 Q. But it worked.

21 A. The my's exploded.

22 Q. So do you have an understanding of how
23 Mr. Carter went about locating the owner of
24 MyStore.com, the domain name?

25 A. I don't know what he does on his computer and

1 tech. I use everything on an iPhone, so I don't
2 know what he -- if there's some search thing, but
3 he found out, I guess -- this is my assumption and
4 what he's told me. He found out who had the
5 domain. And then I said -- I said, call him.

6 And this -- you've got to realize,
7 this isn't like, okay, I'll get back to you
8 like -- and we're going to have a meeting next
9 day, a board thing. That's not how my company
10 rolls. I don't even use an office. I go
11 around -- I get them on the phone, you know.

12 I believe it might even been that
13 day he got ahold of him, probably within two
14 hours. And then I not only said -- I think I --
15 he comes back I think after he had found him and I
16 said, well, get him up here, you know. I think he
17 was up here like in a day or two. It was pretty
18 fast.

19 Q. Okay. And Mr. Carter sent an e-mail to Nick
20 Meagher, who is the son of Todd Meagher; is that
21 right?

22 A. Uh-huh.

23 Q. And is that what this page 1 in Exhibit 3, is
24 that his e-mail inquiring about the --

25 A. Yeah, right.

1 Q. -- website?

2 A. Yep, yep.

3 Q. All right. I notice Mr. Carter says here in
4 the postscript that, "I live in Southlake, Texas
5 too."

6 Does Mr. Carter permanently reside
7 in a different location, not Chaska, Minnesota?

8 A. No. He lives in Texas. He is -- he flies up
9 here every week -- just about every week.

10 Q. Do you know whether he has any prior
11 relationship with the Meaghers or their
12 businesses?

13 A. Uh-uh, absolutely not. We thought it was --
14 we looked for divine appointments. We thought it
15 was a divine appointment that they were like
16 within blocks of each other. That's what I look
17 at. And I thought, well, this is meant to be.
18 That's a sign, you know.

19 And I literally said that to people.
20 I'd go, wow, this is it, you know. Didn't I?
21 That's the way I -- so . . .

22 Q. At the time that you sent Mr. Carter to see
23 if he could acquire this domain name, had anyone
24 at your company gone to look at what was currently
25 up at MyStore.com --

1 A. No.

2 Q. -- the current --

3 A. I don't believe so. I don't know -- I don't
4 know if -- that I don't know. I'm sure Todd did,
5 and he probably said that, you know, his -- I
6 mean, he probably gave me some details. I'm
7 not -- I can't answer that, what exactly he said
8 it was.

9 If there was details -- if we were
10 looking at something else, he'd say, this guy --
11 you know, let's say it was my recovery network.
12 He'd say, this guy owns this and they're using it
13 for X. You know, he's doing treatment in south
14 Florida, you know. I remember -- I remember a
15 conversation I had.

16 MyStore, there was nothing like -- I
17 believe it either wasn't being used or -- you
18 know, he probably gave me a brief history or
19 whatever, you know. I don't think it was written
20 up there for sale, but I don't know that. I
21 can't -- I have no idea on that.

22 Q. Certainly at the time you didn't have an
23 understanding that there was a well-established
24 business that you needed to buy out?

25 A. I had no idea.

1 Q. Okay. At the time --

2 A. I liked the name so much, I was pretty
3 excited. I just thought, if it's meant to be,
4 this will happen. It's a divine appointment. And
5 that's when he said it's two blocks away or
6 whatever, two miles away. I thought, wow, this --
7 it's all coming together.

8 Q. Now, at the time you assigned to Mr. Carter
9 this task of acquiring the domain name, was he
10 supposed to acquire anything else from the owner,
11 like a business, trademarks, anything like that?

12 A. Well, this -- this -- he was supposed to
13 just -- you know, Todd doesn't get to make the
14 decision to go buy this. You know, Todd did
15 the -- does the due diligence. Everything comes
16 before me and my company. Nobody gets to go out
17 there and make some kind of decision like this
18 without me, ever. We run off blocks and
19 deviations. They can't just make a change and not
20 tell me about it. You know, it has to be --
21 that's how I run my company.

22 So he went and did what -- the due
23 diligence, said I could get the guy up here I
24 think -- I want to say this was maybe on a Monday.
25 It might have been Wednesday or Thursday. It was

1 like real fast, you know.

2 And then when he came up here, then
3 everything was -- you know, was Todd and I
4 talking. Todd Meagher, you know --

5 Q. Right.

6 A. -- I meant.

7 Q. No, good point. We have a pair of Todds
8 here.

9 Okay. So did you do any kind of
10 background research on Mr. Meagher or his business
11 before making the acquisition?

12 A. Todd would have done that too, you know. He
13 would have said, you know, the -- but that would
14 have probably been done, you know, maybe --
15 because things happen so fast -- I don't know if
16 it was before he got here, when he got here, you
17 know.

18 I know for sure when he got here,
19 that that was -- you know, who are you? Who are
20 you with? Who are you? You know, that type of
21 thing.

22 Basically, on a -- I've been -- you
23 know, for me, I've got to do stuff. A lot of
24 betrayal, a lot of burns. I've got to find out,
25 you know, okay, what's behind this.

1 And that's when I actually found out
2 that he was -- they had brought up some partner of
3 his. It was John Lennon's kid or something like
4 that. I remember hearing that. There was some
5 due diligence done because I remember hearing
6 that, you know.

7 Q. Were you ever concerned that the market was
8 already too familiar with the existing MyStore.com
9 business that it wouldn't be an effective vehicle
10 for you to use?

11 A. Oh, no, that didn't come up at all. That --
12 if it would have been established out there as
13 some kind of MyStore entity, you can't -- you
14 couldn't have -- it would have been too hard to
15 completely change a brand.

16 If it would have been -- it would
17 have been like this: If I -- my recovery network,
18 there was a name we picked -- I'll give an
19 example -- and it was so established in the
20 secular market that -- in two states, that -- and
21 it's something I'm totally against. I'm a -- I
22 follow faith-based, Jesus based, and I'm not
23 gonna -- I would never take that name and try to
24 rebrand it, even in that little space.

25 Q. Right.

1 A. So I know that there was nothing out there
2 that would have -- when it was checked on, that
3 would have hurt us, you know. It was all --
4 everything would have had to be proactive, not
5 reactive. Put it that way. That's what I
6 thought.

7 Q. Now, I think -- I think I understand what the
8 answer to this question will be, but you hadn't
9 authorized Mr. Carter to go with a budget and say,
10 you go acquire?

11 A. Absolutely not.

12 Q. His job was to bring the seller to you?

13 A. Yeah. You bring him to me. I'll decide, you
14 know. His -- his idea of a low budget might not
15 be mine or -- if I have a high budget, you know.

16 Q. Okay.

17 A. I've paid stuff for here if it's -- if it's
18 right in my space, you know, it's not necessarily
19 what this is. It's -- I can see long-term what
20 it's going to be and it's -- sometimes the dream
21 is worth more than the market says, or less or --
22 you know.

23 Q. Now, I don't want to know what your budget
24 was, but let me just ask the question.

25 A. There was no budget for him. He can't

1 make -- he can't --

2 Q. No, I understand --

3 A. Right.

4 Q. I understand that. What I mean to say is
5 when Mr. Meagher came to meet you, did you already
6 have a budget in mind for what you thought --

7 A. Absolutely not.

8 Q. Okay.

9 A. Absolutely not.

10 Is there an amount I wouldn't have
11 paid? I don't even know that. I can't even
12 answer that because it never -- you know, there
13 was nothing in my head.

14 Q. Absolutely.

15 A. I kept a very open mind, okay?

16 Q. So Mr. Carter sends his e-mail to
17 Mr. Meagher, and then -- sends to Nick Meagher,
18 the son. And then Todd Meagher, the father, calls
19 back.

20 Did Mr. Carter relay to you what
21 Todd Meagher said to him in that initial phone
22 call?

23 A. You know, I don't recall and I'm going to say
24 I don't recall. All I know is that I think he
25 was -- if I remember right, he was open to coming

1 up here. And at first I said, well, why did --
2 why does -- this is what I said. I remember
3 saying, why does it -- you know, do we really need
4 him to come up here? Can't you see the -- and
5 then -- and then I just -- I get stuff like
6 instantly and I go, you know what? Go ahead.
7 Because I'm just -- in my head, I'm going, if he
8 wants to comes up -- you know, if he can come up,
9 he's got a space. Get him up here, you know.

10 Q. Okay. Just to see if it might help jog any
11 recollections, do you recall that you and Mike
12 Lindell Products, LLC responded to written
13 questions in the case? I'll mark Exhibit 5 to
14 your deposition a copy of interrogatory responses
15 that you gave.

16 (Exhibit 5 was marked for
17 identification.)

18 BY MR. POWERS:

19 Q. And I think if you turn to page 7, the final
20 page, is that your signature there?

21 A. Yeah, okay. Which -- where do you want me to
22 start reading here?

23 Q. Okay. So let's look at -- on page 3 -- no,
24 no, I'm sorry. I take that back.

25 Page 4, you see this question: "And

1 please describe the sequence of offers and
2 counter-offers" and it goes on?

3 So the answer says --

4 A. I think -- this -- when it says here, over 1
5 million, I remember -- I remember -- I do remember
6 something about 1.7 million. I've got like 1.7 or
7 something that Todd came back. I go -- and I'm
8 going, what? Well, what does it -- you know, what
9 does it entail?

10 Q. And that's -- that's kind of what I wanted to
11 find out about.

12 A. I do remember that part, I mean, now that I
13 see this.

14 But when you say over 1 million,
15 I -- I just remember thinking, okay, this is --
16 this is serious now. We've got to get him up
17 here, you know.

18 And at that point -- and I'll
19 just -- I'll interject here. It was at that point
20 I'm going, you know, this is a lot -- this is a
21 lot of money. How do you have this much money
22 into a domain, whatever, and all this.

23 And then I asked another guy in my
24 company, you know, the name "MyStore." And he
25 says, oh, it's a short name; it's worth a lot, you

1 know. I remember something like that he said, you
2 know.

3 Q. Who did you ask --

4 A. Ben Salden.

5 Q. Ben Salden. And --

6 A. Yeah.

7 Q. And what is Mr. Salden's job?

8 A. He does -- that's the only question I asked
9 him.

10 He does all my Google corrupt
11 fighting AdWords and stuff like that. He's my
12 nephew. So it was just -- it wasn't like a formal
13 meeting. I said, Ben, are ad -- you know, are
14 domains worth that much nowadays for -- you know?
15 Of course I knew that because like Lindell.com and
16 all these want millions and, you know, it's crazy.

17 Q. So Mr. Salden, he's your nephew?

18 A. Yeah.

19 Q. And he did --

20 A. He just said --

21 Q. -- Google ad buying?

22 A. You know, he didn't Google ad buys. He just
23 said -- right to me, he said -- he says, yeah,
24 they're worth a lot; it's a short name.

25 Q. Okay.

1 A. That's all he said.

2 Q. Is --

3 A. End of quote.

4 Q. Is Mr. Salden involved in the Internet
5 businesses in some way --

6 A. That's all he does.

7 Q. Okay. What does he do?

8 A. He buys -- he buys Google AdWords, fights
9 corrupt Google all day. He fights corrupt Amazon
10 all day. He buys ads in that space. He -- this
11 is our domain fighting other domains when they buy
12 our ad words, you know. He's a millennial. They
13 know stuff about -- in that space, you know. I
14 just ask him because he's, you know, techy like
15 that or kind of -- you know.

16 Q. I see.

17 A. He had no idea, but he -- I don't think, but
18 he goes, oh, yeah, it could be, you know. He
19 knows what other things are worth out there, you
20 know, just by, you know, probably googling around.
21 I don't know.

22 Q. Okay. So Mr. Salden is not someone who's
23 done some kind of formal valuation process on --

24 A. No, no, no. I might have -- I might have
25 asked -- I don't think I did, though, but I asked

1 Todd -- I'm sure I asked Todd, well -- and Todd
2 basically kind of confirmed. He said, Mike, it's
3 a good name; it's a short name, you know and --

4 Q. And you asked Todd. Todd Carter, right?

5 A. Yeah, yeah.

6 Q. And to make sure I understand --

7 A. I was just -- I thought, when I heard like
8 1.7, I'm going, okay, this is serious. We're
9 not -- I'm not going to go over the phone back and
10 forth. We need to do a little more due diligence
11 here --

12 Q. Right.

13 A. -- you know.

14 Q. And just to make sure I understand,
15 Mr. Salden when you say he fights these various
16 companies, he's not a lawyer, is he?

17 A. No. You fight -- you know, that's what
18 happens to entrepreneurs. You don't need to be a
19 lawyer to fight that.

20 Q. Right.

21 A. We send that to our lawyers --

22 Q. Right.

23 A. -- when they really -- when they really kind
24 of screw us over.

25 Q. But his -- his --

1 A. He does the mini -- the mini fighting every
2 day. If you're an entrepreneur in this country,
3 you have to every single day fight off Google
4 AdWords because they sell corruptness right above
5 you. You've got to fight Yahoo!. You've got to
6 fight Amazon. It's a constant battle. You need a
7 full-time team to sit there every day to watch
8 somebody coming up and attacking you. They have
9 ways they can attack you that on their platforms
10 are legal. It should be an antitrust law
11 violation. That's a whole nother story.

12 Q. Yeah. And I think this is an excellent
13 point, and I'm not sure the jury would appreciate
14 the way you -- how this works, so why don't we
15 explain it to them.

16 Do we have a situation where people
17 are actually going to Google and buying the
18 opportunity to put their ads up when they search
19 for your name?

20 A. Yeah, absolutely. That's the corruptness of
21 Google and Amazon, all of them.

22 What you have is you have
23 MyPillow.com or MyPillow. So now I do an ad on TV
24 and someone googles MyPillow, either one word or
25 two words. It doesn't matter, or MyPillow.com.

1 Now here comes this person up here
2 selling some knockoff pillow from China, okay, or
3 someplace, and -- and now they're up there. Now
4 this person comes, and they even use -- they'll
5 even try and use your name in there.

6 I have one right now, MyPillow
7 versus OurPillow. I mean, and so you think -- or
8 MyPillow. They'll try and use your name. Then
9 you've got to fight them. That's not me. And --
10 but they'll go there and that customer now, you
11 might -- he might not buy there, but he'll lose
12 the impulse buy that -- or, you know, okay, I
13 can't find MyPillow.

14 Yahoo! sells like seven ad words.
15 You can't -- you've worked hard to be organically
16 the highest, and they'll sell all these spaces
17 above you. So you have to buy your -- a lot of
18 time you have to buy your own ad word on a
19 defense, but you can only buy one spot.

20 Then, as long as we're talking,
21 Google came out with the Google Marketplace, the
22 most corrupt thing in the United States history,
23 in my opinion. Here's Google Marketplace: You
24 have to have a thousand SKUs to be up there.

25 So now in my MyPillow -- take

1 MyPillow. I can't even buy my own ad word. So in
2 other words, if you go back to the 1970s and '80s
3 and we had a town and I -- and I had a building
4 and I was the mayor and said, you know what? The
5 three biggest guys in town get to advertise on
6 everybody's building, but they can't even
7 advertise on their own.

8 So now what happens is you've got in
9 Overstock.com, all the -- all the big dot-coms.
10 You know, Target.com. You know, Amazon.com. All
11 these people that have a thousand SKUs, they put
12 their ads up there, not even maybe having your
13 pillow, or your product, or if they do, they're
14 cannibalizing you.

15 I have the power in my business.
16 I'll just turn them off like a water spigot, like
17 I did Target. They'll never sell a MyPillow in
18 history again. They're buying my ad words and I'm
19 going, you're killing our advertising. You're
20 killing this little company in Dubuque, Iowa that
21 has a newspaper that needs to make a sale. They
22 get there and you've got your corrupt ad up there
23 on Google, you know. And Google doesn't care, you
24 know. They don't care.

25 But these guys, since I control

1 gold, I can turn off these guys within Google
2 Marketplace. But if I didn't have that, then
3 someone else comes up there anyway that doesn't
4 even have the pillow.

5 So it's a very -- it's a -- it's no
6 man's land. So these big tech companies, and the
7 same thing across the board. I mean, I could sit
8 and tell you about Facebook, Twitter --

9 Q. But you actually have people who are full
10 time every day trying to protect --

11 A. Every day.

12 Q. -- your name in the marketplace?

13 A. You protect your name, your integrity. To
14 protect your name. To protect -- I just had one
15 yesterday that came from a -- it's an online site,
16 online whatever. It's blah-blah-blah.com and
17 they're selling MyPillow with my picture holding a
18 pillow, and it's right out of China. Right out of
19 China. It's not -- it's not MyPillow. You get it
20 home, you're going to open the box -- the box
21 looks like mine -- and it's not a MyPillow in
22 there. Now, what do I do? If I'm a little
23 entrepreneur, I can't do anything about it.

24 I can go there, though, and this
25 company, this platform, they have a little fear of

1 MyPillow that, you know, you're not going to do
2 this. And if they're really selling MyPillow too,
3 they don't ever get to sell it again because we
4 just turn off the company if they're corrupt.
5 This company happens to be corrupt. I wish I knew
6 their name, you know.

7 But -- so it's a constant battle
8 over ad words where people -- that's how they're
9 making -- I mean, they could do it so much
10 different but, you know, Google, Amazon, you know.

11 Bennzoil -- Bennzoil is getting
12 richer and richer. He's going to be the first
13 trillionaire. He doesn't just sell our -- he
14 sells corrupt ones. And he'll put -- he'll put
15 four ads above you and -- four ads above your
16 product on Amazon. When you have -- you have
17 worked on his platform, sold and advertised to get
18 people to his platform, and he sells your
19 billboards to somebody else, another product.
20 It's so rotten, you know.

21 Q. But you think it's important for your company
22 to be able to defend itself against these people
23 who are --

24 A. You have to be. You'll be swallowed.

25 THE COURT REPORTER: I'm sorry. I'm

1 not --

2 BY MR. POWERS:

3 Q. Let me finish that question.

4 It's important to you to be able to
5 combat those others who are trying to confuse your
6 customers?

7 A. It's not -- it's not just important. It's
8 critical. It's crit -- even in my space. I --
9 you know, where I'm at now, I had another company
10 and they bought our ad words, and they went up
11 there -- an exact replica of my website so people
12 thought they were actually buying from me, and we
13 had to shut them down.

14 If we didn't know it -- a little
15 entrepreneur wouldn't have known what to do --

16 Q. Right.

17 A. -- and he would have been -- his integrity
18 would have been ruined. His credibility would
19 have been destroyed, you know. It was a company
20 out of Vietnam, actually, that put this
21 counterfeit website up and bought our ad words.

22 So you can find a couple corruptness
23 there and you really get a corruption onion.

24 Q. Okay. So Mr. Carter reaches out to
25 Mr. Meagher and --

1 A. Right.

2 Q. -- say it was just a matter of days before

3 Mr. Meagher came up to --

4 A. I think it was probably three days, but I
5 mean, it was very fast, you know.

6 Q. And it happened at your offices in Chaska?

7 A. Uh-huh.

8 Q. Is that right?

9 A. Yes.

10 Q. And who was present when you met with him?

11 A. Myself. I think Todd was in the room for a
12 little bit. I --

13 Q. Todd Carter?

14 A. Todd Carter, yeah. It was -- I didn't even
15 have my assistant in. She was in my other office.
16 I have two offices. I go back and forth when I
17 have people there. And I left him a lot. When I
18 had Todd -- Todd in the room kind of digging into
19 due diligence, I left him, went back to my other
20 office because it was kind of combining -- he was
21 there it seemed like the whole day. But it was
22 like -- you know, there was bits and pieces,
23 meetings. And then Todd would come back to me and
24 I said, I've got to get this done, and I went in
25 there and then I had a one-on-one.

1 Q. And --

2 A. And I'm very -- I want to add one thing too.
3 There might have been, in the beginning, maybe a
4 couple others in the room. I don't remember that
5 part.

6 But when I -- when I go into
7 negotiations, it's a little different than you
8 would think other people. I go back to where your
9 handshake is your word, and I'm very full
10 disclosure, you know. Here's who I am. Here's
11 what I am doing, okay? Now if you want to try and
12 screw me, you know, it's in your court. You know,
13 I'm very -- I'm very open. Here's what I'm going
14 to do. It's not like, okay, we're going to go --
15 you know, here -- we'll start here, have this
16 bidding thing and each person think who's -- you
17 know, that's not the way I roll.

18 It's either -- you know, either --
19 you know, this is the best thing for both of us,
20 you know. That's it. It's not going to be, get
21 back to me in a week and your lawyer will call me
22 up with a better offer and -- you know, we try and
23 cut the lawyers out of it. No, I'm just kidding.

24 Q. When Mr. Meagher was describing this meeting,
25 he said that he thought there was someone named

1 Steve there. Do you know who that would be?

2 A. Steve, Steve, Steve.

3 Q. And he may have gotten the name wrong.

4 A. Oh, I can't think of his last name. I can
5 check my phone and find it.

6 Q. Perhaps some description of who -- what kind
7 of person this is?

8 A. I think it's the one from New York.

9 MR. SPRINGER: Was it -- I don't
10 know, Mike. Was it Steve Vorneau?

11 THE WITNESS: Yeah, Vorneau, yeah.
12 I think he -- this was another guy who was going
13 to be -- at one time was going to be involved with
14 my recovery network, and he just -- he happened to
15 be in there. And he actually -- he actually said
16 something in that room -- no, you're right. He
17 was in there.

18 He said that something in that room,
19 because he's from the traditional corporate world
20 in New York, and I took him out of there. And
21 that was actually the beginning of the end for him
22 because the way he acted in front of him was like,
23 you know, trying to demean this product or
24 whatever and saying, you know, this -- you know
25 what I mean? Like this MyStore, blah blah blah,

1 trying to discredit him and treat him like, quite
2 frankly, garbage.

3 BY MR. POWERS:

4 Q. What did he say?

5 A. I don't know, you know. Something to --
6 something to the -- it wasn't like mean. It was
7 some typical corporate negotiation thing. Like
8 you know what? I want to know more about this
9 guy, whatever. We're not even to that point yet,
10 you know. It's kind of like, here's this. I
11 don't know. It was something I didn't like
12 because it's not, you know -- and this guy was
13 going to be representing me out there in the big
14 world with big people, and that was -- I think
15 that was the last day he worked for me.

16 Q. Was he an advisor to you in some way?

17 A. No, no, no. He hadn't even been hired yet.

18 Q. Oh.

19 A. And he just happened to be following me
20 around day and he -- in that room. It's like,
21 it's none of your business. You happen to be
22 sitting here, and you're saying this guy and now
23 you just might have shot down any chance we had of
24 making a deal. Not off -- not off price.

25 This was like, you know -- I wanted

1 to get -- I wanted to get him the passion -- you
2 know, here's what I'm going to do with this for
3 humanity, for -- you know, to get that thing.
4 That's what I do. I'm going, okay, what kind of
5 person are you? Don't gauge me. This is what
6 it's going to be used for good, that kind of
7 thing. And he's over here, you know, shooting his
8 mouth off like -- I'm going, okay.

9 I think that's when I left the room
10 and I came back and I got him out of there into
11 the other office, if I remember correctly. And
12 Todd would even -- Todd Carter would remember
13 that. In fact, I even remember kind of with Todd
14 Meagher kind of coming in and kind of bringing it
15 back, saying -- almost like an apology but, you
16 know, like saying, hey, that guy doesn't -- he
17 doesn't work for me; he's here for another thing;
18 sorry he was even in the room, you know.

19 And for -- you know, so -- and this
20 went on I think with the four, and then I said,
21 you know what? You know, Todd, do some due
22 diligence. I'm going to go do this. Come back.
23 You know, get his, you know, input. And then I
24 just -- I'm going to go in and just, you know,
25 talk to Todd directly.

1 Q. Mr. Meagher said that he thought there was a
2 lawyer in the room for at least some of the
3 meeting. Do you --

4 A. That could have been Joe Springer. He -- you
5 know, I think he was there for part of it, you
6 know. I don't know.

7 Q. So the jury might know, Mr. Springer is the
8 general counsel of your company?

9 A. Yeah, yep. He would have -- he would sit in
10 different things, not just because you needed a
11 lawyer. It's because he's also, you know, our --
12 you know, one of our people. We have like four
13 key people that do the day-to-day function, and
14 you've kind of got to know all the pieces if
15 you're ever -- if it ever comes to this, you know,
16 to write up the thing. So I think he was in there
17 for part of it. Not the negotiation or anything.
18 It was just kind of like, you know, here's this.

19 And he might have been in there when
20 that Steve guy was in there because I'm going,
21 this is crazy. Because I think Todd Meagher made
22 a comment like, I walked into this hornet's nest.
23 I go, I'm sorry. I didn't come with anybody. I
24 thought I came to meet you, Mike Lindell, you
25 know, because he wanted to meet me, you know, and

1 stuff. And I think that was part of it too. He
2 wanted to see -- a lot of people want to see that,
3 you know, star TV thing, and I think that was --
4 he wanted some one-on-one and he was just kind of
5 blind-sided.

6 He didn't think I was that kind of
7 person that would have that. This was so far away
8 from what I would normally do to someone who came
9 in. I mean, my normal thing would be, hey, one on
10 one and it doesn't matter. And a lot of times
11 I've done stuff where I haven't had the lawyer and
12 I'm going, okay, maybe I should have had him in
13 the room. It happened once or twice because
14 sometimes the handshake isn't very good, you know.

15 Q. So in this meeting, did Mr. Meagher describe
16 what he'd invested into MyStore or what his --
17 what his --

18 A. Yeah. He --

19 Q. -- business project had been?

20 A. Yeah. He went into -- you know, some of the
21 stuff I didn't -- you know, I -- he started
22 getting all techy, you know, not talking -- not
23 techy words. Words I could understand. But it's
24 like, okay, that's great, that's great, you know.

25 It was basically kind of I think him

1 saying, you know, I have all this in. And I think
2 I remember commenting, well, you know, I'm sorry,
3 you know, that you -- if you have 1.7 million or
4 whatever in, but I need to -- you know, I need to
5 know where I'm sitting now -- you know, where I'm
6 sitting now, that type of thing. It's like -- you
7 know, it's great if -- if you have all this money
8 into it, I feel bad, but if it's only worth X, you
9 know, here's where I'm at.

10 So I'm basically telling, you know,
11 here's where I'm passionate, what I wanted to do
12 with it. And I think he kind of seen I'm
13 unwilling -- I'm not going to pay 1.7 million.
14 And, you know, we were so far off at that time in
15 my head, and I'm going, you know, maybe this --
16 you know, something is not right here.

17 But it got off to a bad -- it got
18 off to a bad start in that thing so I kind of
19 felt, you know, I'm going to hear this out and
20 he's going to hear who I am. And we actually
21 probably got side-tracked. I have a little of
22 that going on. So we probably talked about, you
23 know, addiction and my addiction, my crack. I
24 mean, I'm very open with people and where -- you
25 know, probably talked a little politics. The

1 ex-crackhead and got to meet the president and
2 where that went down.

3 I mean, I don't know. We just kind
4 of got to know each other a little bit before you
5 start talking like, okay, how much are you going
6 to give me? That wasn't the conversation, and
7 that's not how I do business.

8 Q. So who put the first number on the table?

9 A. I think he did. You know, I think he did. I
10 think it was like 800,000 or something like that
11 and --

12 Q. And did he -- did he demonstrate any of the
13 technology that he was currently using --

14 A. That was all with Todd.

15 Q. Okay.

16 A. No, I didn't -- and then Todd said -- you
17 know, Todd basically said, hey, he's got some good
18 stuff and --

19 MR. PATE: Todd Carter said that?

20 THE WITNESS: Yeah, Todd Carter,
21 yeah, said, he's got some good stuff. And he
22 said -- you know, and then he had the Twitter and
23 Facebook handle, I believe, you know.

24 BY MR. POWERS:

25 Q. And so that was happening over the course of

1 the same day? Sometimes you would be in the room;
2 sometimes Mr. Carter --

3 A. No, no, no. This was -- when we got down to
4 this part, me and him one on one, I had already
5 heard from Todd that -- you know, that what this
6 is, kind of like, hey, this -- you know, it used
7 to be a store with a locator or something, you
8 know.

9 You know, like I say, I didn't sit
10 down with Todd for two hours by myself hearing
11 about this. It was like, Todd, you think it's
12 okay? Yeah. That was basically it. It's like,
13 yeah, he's got some good stuff and he's also got
14 this and this and -- you know, it was a very -- it
15 could have been five minutes; it could have been
16 ten. It wasn't like an hour sit-down with Todd
17 Carter going, show me all this stuff.

18 Q. Yeah, and that's one question I had. You say
19 Mr. Meagher was probably in the office for most of
20 the day. How much of the day did you actually
21 spend with him face to face, would you guess?

22 A. At least an hour, hour and a half on the last
23 time -- on the last thing. An hour to an hour and
24 a half because I'm sure I told stories. And then
25 probably a half hour at the most with the whole

1 group because once that's -- once the -- once I
2 felt that he was very uncomfortable, I thought,
3 you know what? Let's -- you know, I actually felt
4 too that he -- you know, I just felt and I get
5 stuff that, you know, I need to talk to him one on
6 one. This isn't how -- this is wrong, you know,
7 especially having this guy that doesn't even work
8 for me in there shooting his, you know --

9 Q. Right.

10 A. -- saying something, trying to act important
11 to me like, look, I can negotiate that stuff. It
12 was that type of thing, you know. I'm like, okay,
13 you just showed me you couldn't. You just showed
14 me -- that's not how I work, and you're -- and
15 you're gone.

16 So that was one -- actually, to be
17 honest with you, that was one of the benefits of
18 that day, how I felt. Going, well, if something
19 else happens, he came up for -- you know, to
20 reveal this guy's true colors, and that -- and
21 that was a very good thing.

22 Q. The -- so he asks for \$800,000. Did you ever
23 shake hands on \$800,000?

24 A. No, no, no. It got -- I think we -- you
25 know, we talked about -- we hadn't agreed on 8. I

1 said, well, I would have to think about that. I
2 think it was that time. We were basically going
3 to leave and I'm going, okay.

4 And then I asked -- you know, I
5 asked different things about, okay, what -- I
6 think this might be around the time where he did
7 bring up about the trademark, you know, because
8 I -- that's very important to me that you have an
9 R. You know, is the R there?

10 And then that's where all the
11 conversation then transferred down to 300, then
12 back up to 4, you know, because with the -- you
13 know, for me, there was a -- it's a -- that was a
14 difference. If there's some mud out there with an
15 R, I -- you know, I guess in my head, as we were
16 all talking, everything was clean-cut. You know,
17 here's your thing (descriptive sound), you know,
18 because I know what it is to fight all these
19 things, you know.

20 Q. So he told you that he did not have a
21 registered trademark?

22 A. I don't know in them words. He said that
23 there was -- there was some -- there were some --
24 could be some complications, I think is what he
25 said. There could be some complications.

1 Because I don't know -- and this
2 is -- I don't know if Todd came back or something
3 or if Joe did at that time said, you know, there
4 could -- it's not in his name or it was in his
5 name. I think he -- it gets very -- you know,
6 because this was -- there was nothing in the room
7 when him and I were talking about that.

8 And I said, if there's
9 complications, I said, you know, that's so
10 important because I gave him the ad word -- the
11 Google ad word thing, you know, and -- that's a
12 whole nother conversation, where if somebody has
13 your R and you don't have the -- and you have the
14 domain -- now, I can tell you -- I could sit and
15 tell you all day about how that can become hard
16 because now they're -- now they're -- you know,
17 you keep selling product, I think -- you go back
18 in the day, I think Nissan went through that, you
19 know, where the guy was selling birdhouses, you
20 know, or something like that, you know, and the
21 guy wouldn't give him the name. And this goes
22 back, you know, where people can't even get -- I
23 can't get my name, Mike Lindell.com, you know.

24 Q. So your -- your concern was that there might
25 be some other company that had a registration on

1 the domain name that --

2 A. He --

3 Q. -- he wanted to buy?

4 A. He didn't say that, necessarily. He said
5 there's complications, but I can -- you know, I
6 can -- don't worry about it, you know, that type
7 of thing. I -- you know, I -- you know, I've got
8 it handled or whatever.

9 And I said, well -- and it's not
10 worth that complication in my head. I mean, it's
11 not worth -- you know, come to a different thing
12 here because if you've got that -- then I had to
13 weigh in my head, is it worth buying the domain.
14 And the Facebook and Twitter, having that, and the
15 domain.

16 And then I'm thinking about how much
17 of a fight is that going to be if I wanted to
18 get -- you always look at the worst scenario if he
19 says there's complications. If I don't get it,
20 how bad is it going to be? Is it even worth
21 anything then, the domain itself?

22 And I had to make a -- I made a fast
23 decision. Yeah. I said, 3, I think I went to 4
24 is what we ended up paying. But I mean, he -- and
25 I think that going -- going up to 4, that was like

1 the last -- last ten minutes and --

2 Q. And was there anything that he did to push
3 you up that last 4? Did he offer to give you
4 something that --

5 A. No. He just said, you know -- you know, this
6 is this. You've got the Facebook, the Twitter,
7 you've got this. And he's got this -- you know,
8 the platform he had up there, and nobody has used
9 it so it's wide open. It's a short name.

10 I mean, he -- oh, he brought up the
11 short name thing at least -- Mike, I got this back
12 when it was my space. I mean, he kept -- you
13 know, he was kind of a salesman at that point. We
14 were down to the last few minutes and he knew it.

15 And he also knew that when I heard
16 this complication, the trademark kind of getting
17 thrown in the mix, I'm going, you know, I know --
18 you know, it might be worth 400 and then have --
19 but it ain't worth 8. But that trademark, that R
20 is worth a lot more. Probably in reverse, I would
21 rather have the R than the domain. I know the
22 fights that go along with it when you're buying ad
23 words and stuff, you know. It doesn't matter what
24 they're selling.

25 If I had -- if I had MyPillow out

1 there -- when MyPillow -- when I had MyPillow,
2 someone else went and bought that out from under
3 me back in the day, so I had to -- you know,
4 corruptly. And this was -- I can go into all
5 kinds of corruption about people taking domain
6 names and then putting them up there, and I had
7 been through that with MyPillow back when I didn't
8 have any money. And I -- and if I didn't have
9 that, it would be -- it's hard enough fighting
10 Google AdWords and stuff, but to not have an R,
11 people really prey on you then. They'll come at
12 you from every direction, you know.

13 Q. Did Mr. Meagher talk with you about the
14 litigation that he was in with HEB Grocery?

15 A. He just said there's complications. He
16 didn't get into -- you know, that might have
17 raised a big flag, but he said there's
18 complications. And I would assume that he was --
19 he goes, yeah, I have -- I had the trademark
20 orig -- I think he got into little vague things,
21 and I'm going, okay.

22 Basically I thought to myself, I've
23 got to weigh this, pay him this, and then is it
24 worth it in the long shot that it -- you know, or
25 a short shot, whatever it is? I didn't -- I

1 didn't really want to spend -- maybe I should have
2 now looking back -- spend, you know, weeks going,
3 okay, let's see. What -- you know, what are the
4 complications, you know?

5 He did say that he had the -- he had
6 the original. That he came up with it. He got
7 the R, and -- way back. I think it was -- I mean,
8 he went back years. I think like three or four.
9 It was like early in the 2000s.

10 Q. So he claims to you that he had been the
11 first person to use the name MyStore?

12 A. That he got the R, yeah.

13 Q. Okay.

14 A. That he got the R. I didn't -- he told me
15 that he -- his idea to use it. I know we talked
16 about that, this app where grocery or some -- some
17 stores -- would be like a store locator.

18 And that's where Todd Carter said,
19 you know, you could also use it for that too, you
20 know, like -- to locate stores. And I go, no, I'm
21 not using it to locate a store, you know. I've
22 got my other dream. I've got enough issues.

23 Q. Did he -- did Mr. Meagher talk with you about
24 how he planned to approach the lawsuit with HEB --

25 A. Uh-uh.

1 Q. -- or ask you for any strategy advice?

2 A. No, no, no.

3 Q. Did he discuss whether -- if he could secure
4 a trademark, whether you would pay him additional
5 money? Like if after you met, if he then went out
6 and secured a trademark, would you pay him for
7 that?

8 A. No, we didn't talk about that part.

9 Q. Was there anything that he offered you or
10 suggested that if he did it for you in the future,
11 you should pay him more?

12 A. He did say -- he goes, this -- it was kind of
13 like, Mike, you know it's 800 here. I said, but
14 it's not right now. It was like, you know, here's
15 400. It was kind of like I had gotten to the
16 point, because hearing that, because 400, yeah, I
17 mean, it's probably worth a million something with
18 that, but I'm not -- you know, you don't have that
19 right now. You've got complications, you know.
20 So it wasn't like give me 4 now and 4 later. It
21 wasn't like that, you know.

22 Q. So that complication -- and I understand
23 Mr. Meagher is describing the HEB dispute as the
24 complication, right?

25 A. Yeah, he didn't get into that dispute. He

1 didn't give me the details --

2 Q. Okay.

3 A. -- at all on what the -- on what the -- who
4 had what or what -- who had what.

5 Was he confident that it was his
6 mark? Yes. And he portrayed that -- you know,
7 confidence that it would be -- you know, that
8 they'd be taken care of. And it was basically,
9 well, that's great, you know. You know, you're
10 here now. I don't wait -- I'm not going to wait.
11 I -- you know, here's what I can give you. That's
12 it, you know.

13 Q. Let me ask you this: If during that meeting,
14 while you were there with him at the day, if HEB
15 had been willing to immediately dismiss the
16 litigation and end that complication for
17 Mr. Meagher, would you have been willing to pay
18 Mr. Meagher more?

19 A. Absolutely.

20 Q. Do you have any idea how much more?

21 A. I probably would have done -- because we had
22 went from 1.7 down to 8. Probably 800, you know.
23 I don't know. I can't sit and tell you that. But
24 I will tell you this: What I had to weigh in that
25 room was how much fighting I'm going to do. The

1 name -- the domain is so cool for what I wanted.
2 How much am I going to have to work now to fight
3 whatever he's talking about in case he doesn't get
4 it? That's what I had to weigh.

5 And you know what? I could always
6 make the decision, I'll flush this money, you
7 know, or maybe, you know -- flush it. You've got
8 to look at your worst-case scenario in making that
9 teeter-totter decision, but it was such a -- it
10 fits my -- what I'm going to do so well, and I
11 believe it was divine intervention. So that's --
12 you know, I made my decision on that, you know.

13 If he would have came in with this
14 neat bow, I could tell you it could have been
15 more. It could have been less. I don't know. We
16 didn't get to that piece, you know.

17 I think we were close. He had come
18 down to where his value I believe was 800, you
19 know, but then I heard these other little things.
20 I'm going, okay, I know what it takes to fight all
21 these things, you know.

22 Q. Do you think Mr. Meagher understood that you
23 would have been willing to go as high as 800,000
24 if the lawsuit were not an issue?

25 A. I think he -- I think he did.

1 Q. Okay.

2 A. I think he -- he knew my heart. He knows how
3 I'm -- I'm not -- I'm not unfair. I'm not
4 gonna -- you know, I'm gonna -- I had to make a
5 decision. I risked that money, basically. It's a
6 risk because I don't know -- wherever this --
7 wherever this all ends, I could flush probably the
8 greatest name for what -- my platform for
9 entrepreneurs ever. I can't -- I don't know where
10 that -- where that ends up being, so -- but I had
11 to take a risk at that moment in time that, you
12 know, maybe I could -- maybe I could do this, but
13 how much would it take? And I'm going -- you
14 know, the stuff going on now, I'm going, if I knew
15 now what I'd do then, it's like -- you know, it's
16 the opposite of Bob Seger's song, "I wish I didn't
17 know now what I didn't know then." I wish I knew
18 now what I knew then -- or what -- I wish I knew
19 now what I didn't know then. So reverse.

20 Q. So did Mr. Meagher mention to you during this
21 day that he had an open settlement offer from HEB
22 on that day?

23 A. Uh-uh, no.

24 MR. PATE: Objection; form.

25 BY MR. POWERS:

1 Q. Did he mention that HEB had told him they
2 would dismiss the lawsuit and let him keep
3 MyStore.com without any payment from him at all?

4 MR. PATE: Objection; form.

5 THE WITNESS: No, I -- no, I didn't
6 know that.

7 BY MR. POWERS:

8 Q. He didn't mention that to you?

9 MR. PATE: Same objection.

10 THE WITNESS: Not that I remember,
11 no. Not that I recall.

12 BY MR. POWERS:

13 Q. Did he discuss with you whether your company
14 wanted him to settle the litigation or anything
15 like that?

16 A. No.

17 MR. PATE: Objection; form.

18 BY MR. POWERS:

19 Q. Did Mr. Meagher tell you why the Patent and
20 Trademark Office had canceled his trademark
21 registrations?

22 A. That was later on I found out. I don't know
23 if he told me or my lawyer. He had let it
24 lapse -- lapse brain. I mean -- I mean, that's
25 the only thing I can figure out is he let it

1 lapse. And why, I don't know.

2 You know, I made a mistake back in
3 the day for a trademark I had where I didn't -- I
4 didn't have a lawyer to watch corrupt people, and
5 they went out and got a trademark similar to mine.
6 And, you know, because an entrepreneur, once
7 again, can't watch all that space and they went --
8 you know, they went out and got "I Heart
9 MyPillow." You can look it up. You know, it's
10 a -- it's a -- and they got it way after mine, but
11 I didn't contest it, you know, and I didn't know.
12 I was a little young entrepreneur and --

13 Q. So once you --

14 A. -- on crack, you know.

15 Q. So once you had that experience of someone
16 trying to trademark a name like yours, you started
17 watching that kind of thing -- hiring people to
18 watch that kind of thing?

19 A. Yeah, yeah. I know -- I know what it can do.
20 I know what it can do. I live in that space. You
21 know, I live in that space. It's hard enough when
22 they don't have a name out there. That's why I
23 had to really make a decision with him going,
24 okay, you know, I'm sorry. If you get it, great.
25 If you don't, that -- you know, I might have to

1 flush this whole thing because I don't know -- I
2 don't know who has it. I didn't know who -- what
3 the -- you know, what the situation was.

4 So I had to make a business
5 decision, just because it fit so well. I would
6 have never -- I'll tell you right now, with what
7 he said there, I would have said, you know what,
8 I'm sorry; come back. But I move very fast in
9 my -- it wasn't like, come back in a couple months
10 and we'll wait. I'll give you 8 if you get
11 everything together, get your act together. It's
12 -- the name is so cool and I'm already working on
13 this thing. I've been working on it for two
14 years, so -- getting these entrepreneurs, getting
15 all these -- you know the -- from the idea -- from
16 the conception to the idea.

17 And my book is going to be coming
18 out, so this was all a timing thing. It's a
19 timing thing right now. You know, the book is
20 coming out in April and millions of eyes are
21 coming to this and, you know, I've got to make a
22 decision, do I call it -- you know, have
23 MyStore.com or completely scratch it up? This is
24 our -- you know, you can't put up something and
25 then change the brand on it, you know.

1 Q. Right.

2 A. As you see where I've got coming soon, I have
3 to take a -- I had to take a risk right there
4 doing that to see what's going to come with
5 everything, you know.

6 Q. Uh-huh. So at the meeting he didn't describe
7 the fact that he had let these trademarks lapse?

8 A. Uh-uh.

9 Q. But you learned that subsequently?

10 A. I learned that from my attorney, Joe
11 Springer. You know, he -- he said there were
12 complications. He goes, well, you know, he -- but
13 he -- he didn't say, hey, I let them lapse; I
14 don't have it. He didn't come right out and --
15 you know, it was basically the complications.

16 And then, you know, Joe -- and then
17 Joe came to me. I think Joe --

18 MR. SPRINGER: Mike, I don't want
19 you to testify as to anything that I told you. I
20 mean, you can testify to your understanding of
21 things, but you can't testify as to conversations
22 between you and me.

23 THE WITNESS: Oh, okay.

24 MR. SPRINGER: That's covered by the
25 attorney-client privilege.

1 THE WITNESS: Okay.

2 BY MR. POWERS:

3 Q. I take it Mr. Meagher never described to you
4 the fact that he had other trademarks canceled for
5 failing to file his papers?

6 MR. PATE: Objection; form.

7 THE WITNESS: No, never. I never
8 had this conversation with Mr. Meagher. I had it
9 with somebody else.

10 BY MR. POWERS:

11 Q. Okay.

12 A. How's that?

13 MR. PATE: That's a great way to do
14 it.

15 BY MR. POWERS:

16 Q. You mentioned that Mr. Carter had looked into
17 some of these social media names, Twitter handles
18 and Facebook names and so forth?

19 A. Uh-huh.

20 Q. Did he talk about whether those social media
21 names had been actively used?

22 A. No, he didn't tell me if they were used or
23 not.

24 Q. Okay.

25 A. I know how those work, believe me. And that

1 was -- that was a thing to me where actually I'm
2 going, okay, you know, it's worth the gamble, you
3 know, because it's you -- I mean, he had things --
4 I can't -- he had ducks in a row, other than that
5 R, you know.

6 Q. But Mr. Carter had never expressed any
7 concern to you that there was a large base of
8 social media followers who would be confused if
9 MyStore suddenly became --

10 A. Oh, no, no, no. He didn't say that at all.
11 He didn't say that. And he -- and I'm surprised
12 if there is because I still wouldn't -- I would
13 have no idea if there's any. I mean, I couldn't
14 tell you if there's any, if it's even active, you
15 know.

16 Q. Did Mr. Meagher offer to include the domain
17 name Mitienda.com?

18 A. No.

19 Q. Have you ever discussed Mitienda.com with
20 him?

21 A. Never. Aren't you going to then ask me when
22 I heard that name?

23 Q. When did you -- when did you hear the name
24 Mitienda.com?

25 A. Yesterday.

1 Q. Would you typically be in the habit of trying
2 to acquire the Spanish language equivalence of web
3 domain names --

4 A. No.

5 Q. -- you acquire?

6 A. No, no. I haven't even expanded MyPillow in
7 that space, you know. No.

8 Q. Did Mr. Meagher describe anything to you
9 about what he'd invested in, when he said that
10 he'd invested 1 million or 1.8 million --

11 A. No.

12 Q. -- or 1.7?

13 A. He just said it was like 1.7.

14 Q. Did he say what that was?

15 A. You know, IT, I think -- you know, he went
16 all over. I didn't -- he didn't say I purchased
17 this for this or did this. He just -- he says, I
18 got a lot into it, you know. It's like 1.7. And
19 I'm going -- and he might have started telling me,
20 and I'm going, you know what? That's a Todd thing
21 because I don't know what things are worth in that
22 thing. Oh, I've got the -- you know, I've got the
23 IP thing on the back end of the hydrocollic (ph),
24 you know, whatever. I don't know those big words.

25 Q. Okay. Would Mr. Carter already have been

1 working on what your technology platform would
2 have been for your plan for your inventor's
3 platform?

4 A. No. He -- what Todd told me, that -- Todd
5 Carter told me this: He said it's -- it's a --
6 Meagher brought up. He goes, and you might even
7 be able to use -- I have a platform you might even
8 be able to use, and Todd Carter looked at it. He
9 said, we might be able to use some -- some of it
10 out of it and -- possibly, but that's all Todd
11 said, you know. It's like any other platform, you
12 know.

13 Q. Was there any particular features that
14 Mr. Carter mentioned as being of interest?

15 A. There were videos -- there were -- I think
16 there were vid -- I can't even remember now. We
17 were more -- I think we were more interested in
18 that a little bit in my recovery network because
19 there was going to be a lot of videos of people's
20 stories of hope. I think that might have -- or I
21 mean my foundation, where each square is an
22 individual need and 100 percent of your money goes
23 to the need, so there's all these squares of need.
24 I think that was -- that got brought up.

25 But it was very -- once again, with

1 Todd and I, he goes -- and I'm going, yeah, yeah,
2 yeah. You know, it was like, I've been down that
3 road and I've got about \$2 million into my own
4 technology on it, so I'm going, I'm not gonna
5 change railroad tracks right now. I don't care if
6 he's got -- you know, it would take an act of God
7 for me to switch it when I've already paid 2
8 million here, you know.

9 Q. Yeah. And I suppose in fairness, MyPillow
10 sells products over the Internet, right?

11 A. Uh-huh.

12 Q. And just so -- so that's a yes; is that
13 right?

14 A. Yes.

15 Q. So that if the jury doesn't know or hasn't
16 actually gone on to look at your website itself,
17 you sell probably, fair to say, millions of
18 dollars' worth of merchandise on an e-commerce
19 website that your company operates?

20 A. 43 million pillows.

21 Q. Is your website the single largest channel
22 through which you sell?

23 A. Absolutely. A hundred percent, yeah.

24 Q. And you do sell in retail stores, but --

25 A. Yeah, I sell retail, but they turned me down

1 back in the day so now they -- now we take them at
2 our discretion, you know.

3 Q. Do you anticipate that the systems that you
4 use to operate MyPillow.com, that a lot of those
5 technologies will be used to support MyStore.com?

6 A. No. The MyStore is gonna be -- when you say
7 sys -- I would say the systems in the ad word
8 space and all that that I've learned, absolutely.
9 All the stuff we have that's the protected
10 platform. Everything we've learned, everything
11 we've done, yes.

12 The actual back end is called
13 Magento on ours. We're using a different
14 platform. I think it's called something comm --
15 dot-commerce or something. It's a different
16 platform that's suited to multiple -- massive
17 multiple products, and there's things in it -- and
18 other IT people can -- it's more interchangeable
19 than Magento. Magento I'm relying on another
20 company here where I have to call them to fix, and
21 I don't like calling up the owner in the middle of
22 the night, so I don't know.

23 This is just a bigger -- bigger --
24 different -- just a little different back end
25 technology, but everything else on the front

1 end -- our advertising, our marketing, everything
2 that we've learned is going to come together to
3 make this an amazing --

4 Q. And that's based on the learning and
5 experience of the Mike Lindell companies?

6 A. Uh-huh.

7 Q. Is that right?

8 A. Yes.

9 Q. So as you currently envision things, when
10 someone goes on to MyStore.com to make a purchase
11 of one of these inventions, they will not be
12 clicking and -- clicking on code that Todd Meagher
13 wrote?

14 A. No, no.

15 Q. And there was a written agreement reached
16 relating to the sale of the domain name; is that
17 right?

18 A. Yes. I believe -- I believe that -- I
19 don't --

20 Q. If we look at page --

21 A. I know I signed one. I don't know if he
22 signed it. And I think he signed one, and I don't
23 know if I signed. I don't -- you know.

24 Q. In your -- the documents that you brought
25 today, are pages 16 through 18, are those the

1 domain name purchase agreement that you signed?

2 A. Let's see. Yes.

3 Q. And we don't have a copy here with
4 Mr. Meagher's signature on it, but as far as you
5 know, is this the agreement --

6 A. Yes.

7 Q. -- that you are --

8 A. Yes.

9 Q. -- that you consider to be in place?

10 A. Yes.

11 MR. PATE: Objection; form. I'm
12 seeing one with Mr. Meagher's signature.

13 MR. POWERS: Oh, I'm sorry. Which
14 page is that?

15 MR. PATE: 24.

16 MR. POWERS: Thank you.

17 BY MR. POWERS:

18 Q. Page 24, is that a counter-signature by
19 Mr. Meagher?

20 A. Yes.

21 Q. Okay.

22 A. So I guess it's the one he signed. I don't
23 know. I guess I really don't know the exact
24 difference between the two.

25 Q. Okay. But from the looks of it, does it

1 appear that the copy at pages 23 and 24 is --
2 well, no, it's a little different, isn't it?

3 So do you know for certain that you
4 and Mr. Meagher have signed the same draft?

5 A. I don't believe so. I don't know that for
6 sure.

7 Q. Okay. All right. Well, we can look further
8 into that.

9 A. I think Todd's -- I think this one might have
10 been after mine, but I don't know if they're both
11 on the same -- it might have been some two weeks.
12 I don't know.

13 Q. And then payment was made in two pieces; is
14 that right? What, two wire transfers?

15 A. No idea on that. That comes from --

16 Q. And I'm just drawing that from the documents
17 in the back, but you wouldn't have any
18 disagreement with that if --

19 A. No, I wouldn't have any disagreement.

20 Q. Was any part of the payment conditional on
21 him -- on Mr. Meagher taking some action for you?

22 A. No.

23 Q. I don't see anything in this agreement that
24 would qualify, but are there any obligations that
25 Mr. Meagher still owes to you related to the

1 transaction for the sale of the domain name?

2 A. No.

3 Q. I'm sorry. Is that a no?

4 A. No, no, not that I'm aware.

5 Q. And are there any -- any assets that he is
6 still offering to you or asking you to buy related
7 to this -- the MyStore name or domain name?

8 A. No.

9 Q. Okay. All right. We've gone quite a bit
10 over an hour. Why don't we take a break for a
11 moment and just stretch our legs.

12 A. Sure.

13 THE VIDEOGRAPHER: This ends Media
14 Number 1. We are going off the record at 10:20.

15 (A break was taken from 10:20 a.m.
16 until 10:45 a.m.)

17 THE VIDEOGRAPHER: This begins Media
18 Number 2. We are going back on the record at
19 10:45.

20 BY MR. POWERS:

21 Q. Mr. Lindell, after you acquired the domain
22 name MyStore.com from Mr. Meagher, your company
23 filed trademark applications with the Patent and
24 Trademark Office for MyStore, MyStore.com and two
25 graphical elements; is that right?

1 A. Yes.

2 Q. All right. I will -- in case you'd like to
3 refer to them, I'm going to hand you the
4 applications that I printed off from the Patent
5 and Trademark Office website this week. Exhibit 6
6 is the application for My Store.

7 (Exhibit 6 was marked for
8 identification.)

9 BY MR. POWERS:

10 Q. Exhibit 7 is the application for MyStore.com.

11 (Exhibit 7 was marked for
12 identification.)

13 BY MR. POWERS:

14 Q. Exhibit 8 is the application for the
15 graphical word mark.

16 (Exhibit 8 was marked for
17 identification.)

18 BY MR. POWERS:

19 Q. And Exhibit 9 is the application for the
20 shopping bag logo.

21 (Exhibit 9 was marked for
22 identification.)

23 BY MR. POWERS:

24 Q. On the top of the first page of each of these
25 applications there's a filing date reflected of

1 July 26th, 2018.

2 A. Uh-huh.

3 Q. Do you see that?

4 A. Yes.

5 Q. And looking at the first page of the
6 documents you brought with you today, Mr. Carter's
7 e-mail to Mr. Meagher which is dated July 16th,
8 does it comport with your recollection that you
9 would have gone all the way from the initial
10 contact with Mr. Meagher to filing trademark
11 applications in ten days? Was it that fast?

12 A. Yes, absolutely. I move fast.

13 Q. All right. Now, the applications that Mike
14 Lindell Products, LLC -- and while I'm thinking
15 about it, Mike Lindell Products, LLC, are you the
16 sole --

17 A. Yes.

18 Q. -- member of that?

19 A. Yes.

20 Q. Which means, for the jury's benefit, you're
21 the sole owner of that company?

22 A. Yes.

23 Q. The -- the applications that were filed by
24 Mike Lindell Products, LLC with the Patent and
25 Trademark Office, those were denied by the Patent

1 and Trademark Office; is that right?

2 A. Yes.

3 Q. And do you know what the reason was that was
4 given by the --

5 A. I don't know.

6 Q. Okay. Was one of the reasons given that
7 there was a likelihood of confusion with existing
8 trademarks?

9 A. Yeah, that was -- that's probably true.
10 That's what I recollect.

11 Q. And was Mitienda one of the trademarks that
12 the PTO identified as being potentially --

13 A. I don't know.

14 Q. Okay. Mike Lindell Products has not appealed
15 the Patent and Trademark Office's decision?

16 A. No.

17 Q. Instead you abandoned the application; is
18 that right?

19 A. Correct.

20 Q. Are you aware that before you abandoned the
21 application, Mr. Meagher filed trademark
22 applications for MyStore and MyStore.com?

23 A. I don't know if -- I don't know the timing.

24 Q. Well, are you aware that Mr. Meagher has
25 applied for trademarks on MyStore --

1 A. Yes.

2 Q. -- and MyStore.com?

3 A. Yes.

4 Q. Is there a reason why Mr. Meagher is applying
5 for trademarks on a domain name that you own?

6 A. I -- what do you mean? He's applied on what,
7 the domain name?

8 Q. Mr. Meagher has applied for --

9 A. He's applied on the name MyStore, right?
10 Yeah. I don't think he's applied on the domain
11 name.

12 Q. Yes. He's applied for a trademark for the
13 name MyStore.

14 A. Right, right.

15 Q. Can you explain to us why Mr. Meagher is
16 applying to register a trademark that relates to a
17 domain name you own?

18 A. I think -- I think -- with all the confusion,
19 I think he know -- this is just speculation, I
20 think he knows where my amazing platform is going
21 to go to help people. And I think, you know,
22 he's -- he's stated to me on a gentleman's
23 handshake, if I get it -- you know, if I get it --
24 when I get it, I'll give it to you. And I said,
25 well, otherwise I feel like I've flushed 400,000

1 down the drain. You know, I took that gamble and
2 it's my -- my choice. But I think he's -- I think
3 the guy -- he's got a little heart there, you
4 know.

5 Q. So you feel you have a gentleman's agreement
6 with Mr. Meagher that if he acquires a
7 trademark --

8 A. Right now, yes, absolutely.

9 Q. And just to make sure I get my whole question
10 out --

11 A. Okay.

12 Q. -- before you begin answering, you have a
13 gentleman's agreement with Mr. Meagher that if he
14 acquires a trademark on MyStore, that he will
15 convey that to you?

16 A. Yes.

17 Q. At no additional cost?

18 A. Right, correct.

19 Q. Are there any other gentleman's agreements
20 that you have with Mr. Meagher?

21 A. No.

22 Q. Relating to the MyStore --

23 A. No.

24 Q. -- marks or name?

25 A. No, no.

1 Q. One of the e-mails that was produced this
2 morning, page number MP25, is a December 16th
3 e-mail from Mr. Meagher to you in which he conveys
4 a link to abandon the MyStore trademark apps. Has
5 Mr. Meagher advised you to abandon the trademark
6 applications?

7 A. Which page are you looking at?

8 Q. Sorry. It's page 25, sir.

9 A. Yeah, yes.

10 Q. And has he advised you that he thinks he'll
11 be more likely to obtain the trademark than --
12 than your company would be?

13 A. Yes.

14 Q. Has he explained his reasoning behind that?

15 A. No. I figure that it -- I was so far back, I
16 found out applying, there's all this mud, I was
17 okay, you know, go ahead.

18 Q. And when you applied -- when your company
19 applied for a trademark, you applied for a
20 trademark on MyStore.com and you applied for a
21 trademark on the words "My Store" with a space in
22 between "my" and "store" --

23 A. Uh-huh.

24 Q. -- is that right?

25 A. Yes.

1 Q. And the -- you have a company called
2 MyPillow, Incorporated, right?

3 A. That's correct.

4 Q. And that has a space between the "my" and the
5 "pillow"?

6 A. In the corporation -- in the actual trademark
7 name MyPillow, it's one word, but I've learned,
8 obviously from way back when, get -- get it all
9 covered, every angle. That goes back to the
10 Google corruption.

11 Q. Has Mr. Meagher informed you that he's asking
12 the court in Texas for permission to argue that
13 the name -- you couldn't trademark a phrase "my"
14 followed by a noun, like "my store" or "my
15 hammer"? Has he told you about that --

16 A. No.

17 Q. -- argument he's making?

18 A. No.

19 Q. Do you have any understanding about whether
20 the Patent and Trademark Office will register
21 trademarks for phrases like MyStore and MyPillow?

22 A. Well, they did MyPillow, but that -- not as
23 one word -- it was just one word. I did that -- I
24 did that back in 2005, I believe.

25 Q. But your company applied for a trademark on

1 My Store with a space between the two words?

2 A. No. Together.

3 Q. And if the trademark application --

4 A. And that was me. I did it together, one
5 word.

6 Q. And if the trademark application in the
7 Patent and Trademark Office on July 26 has a space
8 between "my" and "store," that doesn't comport
9 with your recollection?

10 A. There's two -- there's two ways, right?
11 Correct? I thought I told him -- my instructions
12 were get everything applied for in every shape or
13 form, even the dot-com, which I -- I don't even
14 know if they -- if they do that dot-com. I don't
15 think he did ours on dot-com, but I don't know.

16 Q. Well, if -- if you have a trademark on
17 MyStore as one word or My Store as two words,
18 would you be comfortable with the Patent and
19 Trademark Office issuing trademarks to other
20 people that was the opposite way? Like if you
21 have it with a space, would you be okay with the
22 PTO --

23 A. No, they don't do that. It creates confusion
24 in the marketplace. That's my understanding.
25 That's -- you know.

1 Q. And you wouldn't be comfortable --

2 A. I think that's the trademark -- that's the
3 patent -- the U.S. patents business there. If
4 they do it -- I don't know if they do it.

5 Would I be uncomfortable in my -- at
6 MyPillow if somebody got My space Pillow, yeah,
7 I'd be uncomfortable.

8 Q. And if somebody were to --

9 A. They got I Heart MyPillow. There's a good
10 example.

11 Q. Right. And if somebody were to start running
12 advertisements with -- they were selling MyPillow
13 but it was My with a space between My and Pillow,
14 that would seem to you to be confusing to
15 consumers?

16 A. Well, no. The confusion would be if you had
17 My Pillow with two words and they were selling a
18 pillow that wasn't MyPillow. Like I Heart
19 MyPillow is doing.

20 Q. Right. Okay. So Mr. Meagher has asked you
21 to abandon the applications that Mike Lindell
22 Products, LLC has filed and is now filing
23 applications with the intention of conveying those
24 trademarks to you?

25 A. To my understanding, yes. Nothing written,

1 and like I say, and no more money and it's like --
2 I think it's just like, you know, I've got a great
3 thing going here, Todd, and, you know, I think
4 it -- I think he is hard for what he, you know,
5 felt that -- I think he just feels it's a great
6 platform and there's no -- there's no money that's
7 going to be exchanged.

8 Q. In the time since the domain name sale
9 occurred, has Mr. Meagher been working with your
10 team to transfer social media accounts and e-mail
11 addresses and things of that nature to your
12 company?

13 A. As far as I know. My social media gal, I
14 know of a couple instances there where -- where I
15 got a call and there was passwords or something.
16 I think that was with either Pinterest or corrupt
17 Twitter, one of the two.

18 Q. Now, Mr. Meagher has a domain named called
19 YourStore.com. Are you aware of that?

20 A. No.

21 Q. Okay. Have you seen Mr. Meagher's -- the
22 website that he has up at YourStore.com?

23 A. No.

24 Q. Do you have any understanding of why he'd
25 have a website up at YourStore.com that has a

1 MyStore logo on it?

2 A. I have no idea.

3 Q. That's not something he's talked about with
4 you?

5 A. No.

6 Q. Has Mr. Meagher, since the time of the domain
7 name sale, undertaken to demonstrate technologies
8 to you or tried to sell additional web interface
9 information to you in any way?

10 A. He's -- there's been three conversations.
11 One -- one was he's offered me this in circle,
12 it's like a Facebook thing that was in -- it's
13 just talk. He's offered me I think 5 percent if I
14 come on board. I haven't seen the -- his
15 platform. I haven't had time.

16 And Todd Carter might have looked at
17 the technology that he's had. And like I'd said
18 before, we're not -- that's not the platform we're
19 going to be using for the MyStore. We're using
20 our own. It's like I think called Not Commerce or
21 something commerce, so . . .

22 Q. And you said three. Is there a third one
23 that you're referring to?

24 A. The third one was just a referral to his son.
25 His son does front page design work. So I, with

1 his son, had done some work with recovery network.
2 I don't know. I think -- I'm not sure. Front
3 page photo stuff. Nothing -- nothing techy. His
4 son -- I met him, he's like a designer guy.
5 Q. So just to make sure I have clarity on all
6 three of those, the -- there's some web design
7 work that Mr. Meagher's son, Nick, has been
8 invited to participate in?
9 A. Uh-huh.
10 Q. The social media item you mentioned, is that
11 the OpenCircle.com program that Mr. Meagher is
12 working on?
13 A. No. That's just an idea in his head.
14 Q. Okay.
15 A. As far as I know.
16 Q. Okay. That's not something that you actually
17 signed up to participate in?
18 A. No, no.
19 Q. In his deposition he mentioned that he had
20 invited you to participate on an advisory board --
21 A. Uh-huh.
22 Q. -- related to OpenCircle?
23 A. Yeah.
24 Q. Have you done anything like that yet?
25 A. No, but we've talked about it and I've said,

1 you know, I've got -- I haven't seen -- I said if
2 it looks good, I need to see it and I would do it,
3 and I thought 5 percent was fair, but I'm not --
4 once again, when I do due diligence, I have to
5 look so much because I -- my credibility platform.
6 I want to know what this is, who this is, what's
7 it gonna do, where's the end result, why is it
8 being done. I mean, there's just so many things.

9 There's -- I get approached all over
10 the country where people want me to get involved.
11 Todd is just another one of hundreds and hundreds
12 and hundreds of -- people want me to put my
13 credibility onto their thing and -- because it's
14 going to get other names brought in, you know. So
15 I haven't -- that's as far as we've gotten.

16 Q. Okay. Mr. Meagher had mentioned he thought
17 you had made some introductions for him related to
18 this Open Circle --

19 A. Yes, I did.

20 Q. -- project.

21 A. Yeah.

22 Q. I think he even mentioned the White House.
23 Have you made introductions for Mr. Meagher on
24 him?

25 A. Not at the White House. I made it to

1 people that -- I don't know what he means by White
2 House. There's Washington, D.C., I think one guy,
3 I can't even remember his name. I made a
4 couple -- the introduction I made, the guy worked
5 for a super PAC. I actually told Todd not to --
6 you know what, because I was doing a parallel due
7 diligence, and this guy here turned out to be --
8 he said he had ties to the White -- and he didn't,
9 okay? His credibility went way down, and I'm not
10 going to go down that route. And so I said, Todd,
11 forget him, okay?

12 But yes, I did do that introduction.
13 And they talked on the phone, and then I -- it was
14 like within days I found out that this guy was
15 very much wanting to get involved in something
16 else of mine so he's trying to -- I mean, it was
17 just a -- you know, he revealed himself. Kind of
18 like -- Todd has been involved with two guys
19 revealing themselves. You just can't -- you open
20 up an onion and you go, what? You know.

21 So there was one introduction to
22 that guy, and I know who he's talking about now.
23 I just had to think there. And this guy said he
24 had very much ties, and he doesn't. And I know
25 that firsthand from some people I help, so . . .

1 Q. Now, the interrogatories that HEB served on
2 your company, we asked what valuations, if any,
3 are you aware of relating to the MyStore domain
4 name, trademark, or business. And the answer was:
5 Respondents are not aware of any valuations
6 relating to the MyStore domain name, trademark or
7 business.

8 Is that still the case today?

9 A. For -- for me, it would be all speculative.
10 I mean, it would be speculative. I -- if I had my
11 head where it's going to get to, you know, it
12 would be so speculative.

13 But I'm never going to -- public,
14 and I'm not going to go get other people to tell
15 me what to do, so it's -- it will stay that way.
16 Everybody speculates what MyPillow is worth, and
17 they'll never know.

18 Q. But your view is that if Mr. Meagher had
19 filed his declaration of continued use and not let
20 his trademarks lapse, you would have been willing
21 to pay more --

22 A. Absolutely.

23 Q. -- for his domain?

24 A. And it would have been -- my sense of it, it
25 probably would have been that 800, you know,

1 because it was such a unique package. Here it is.
2 But you need the bow, and we're missing the bow,
3 you know. You've got all these things. It ain't
4 any good without the bow, and that -- you know,
5 that's . . .

6 Q. Has Mr. Meagher ever talked to you about
7 whether he would like to get money in this
8 litigation from HEB and then seek more money from
9 you as well?

10 A. Uh-uh. No, absolutely not.

11 Q. Okay.

12 A. He will not get any more money from me on
13 anything on that.

14 Q. You've mentioned a couple of times your
15 experience in this environment with people trying
16 to acquire domain names that look similar to your
17 names.

18 How many websites have you bought or
19 sold?

20 A. MyPillow. You mean domain names?

21 Q. That's right.

22 A. Domain names, I don't know. It could be, I
23 don't know, 50, 100. I don't know. You just buy
24 names. Some of them you can get -- if they're
25 there, you get them or you may never use them.

1 Those are the ones that don't mean anything.

2 TheLindellFoundation.org, you're not
3 going to use that. It's LindellFoundation.org.

4 But you get that out of defense, and -- if nobody
5 has got you. But you get so much out of defense,
6 you know, so so many of mine, we'll just not use
7 it, or you get ones that are -- you might buy a
8 dot-com that's similar. These are just the
9 dot-coms now, not the Rs. The dot-coms are a
10 different world. You go get the dot-coms so that
11 even my own name, MichaelJLindell.com, we probably
12 have MikeJLindell because otherwise somebody else
13 will go out there, get the corrupt domain, start
14 saying bad things and put my picture up and say
15 they're me. They do it all the time for things.

16 But, you know, it's the same space
17 as when you get into Twitter and all these other
18 things. You get people that attack, and that's
19 how they do it for identity theft or copying or
20 trying to show that they're you, especially when
21 you're as high profile as I am right now. They're
22 -- they come at you every angle, and they try and
23 feed off the -- you know, their greed. Some will
24 be for greed. Some will be just to destroy. Some
25 will be just for -- you know, like the cross I

1 wear on TV. I don't know.

2 Q. Some of these websites, as you say, they're
3 available and you can just get them by going to a
4 domain name or registrar and paying 40 bucks or
5 something like that, right?

6 A. Yeah. And I don't buy them. I mean, my --
7 my gal buys them all. They go -- they range, I
8 guess. They'll range from -- you know, I'm sure
9 you could pay Amazon.com probably billions, you
10 know. I mean, I'm -- there's a range there. I
11 don't know what they range.

12 If nobody -- typically, the ones you
13 could get for \$40 would be something like, "I love
14 this room really -- really good dot-com." Nobody
15 is going to buy it, you know. I mean, you get --
16 as you get more to the -- anyone out there,
17 they -- all the domains were bought up, every
18 combination you could think of, by another corrupt
19 group, and they will come in and then you -- and
20 then you have to pay for -- even for your, like I
21 say, my own name, Lindell.com, you know. They're
22 using last names, a company out in Canada. I
23 mean, it's just crazy. And they want to rent me
24 my own name. You know, really?

25 Q. When you or your company have had to go

1 through that process of trying to negotiate a
2 purchase of a domain name, is there a standard
3 market or some kind of, you know, published index
4 that you look at to get a sense of what these
5 things are worth?

6 A. No. Nobody knows. It's all supply and
7 demand. If they -- let me tell you something on
8 that. If you Google your name that you want too
9 much -- this is a little clue for any
10 entrepreneurs out there -- be careful to search
11 that name because people at the government office
12 and people in the State if you register -- don't
13 ever register your state name first, your LLC. I
14 would get the domain first because there's crooks
15 down at the State that will sit there and see, oh,
16 MyPillow, LLC, and then they'll go get
17 MyPillow.com. That's what they do. And then
18 they're going to turn around -- they bought it the
19 day before for whatever, and they're going to up
20 the charge to you and sell it. That's -- you
21 know, that's the name of the game.

22 Nowadays they're all taken anyway,
23 so it's all supply and demand. So if you google
24 that name enough -- you could look the day before
25 on, I don't know, pick a site or whatever that

1 sells them, whoever has like, you know, all these
2 domains, and a lot of them are overseas that are
3 corrupt that grab our domains. So then you'll
4 have the domain name and the day before it was
5 \$200 and now it's 5 grand, you know. Don't you
6 think that they look in to see how bad you want
7 that? That's what they do, you know.

8 And they do it -- they do it with
9 all this stuff you don't see in hyperspace. You
10 know, that guy's IP address, he just googled it
11 six times. Let's see who's googling it. Oh, it's
12 Mike. I paid a lot for Mike -- I think it was
13 Mike66.com. I mean, it was crazy. I'm going, how
14 would anybody even care about that, you know? And
15 they do. They -- you know, these guys -- the tech
16 world out there and somebody got richer in Silicon
17 Valley. There's your answer.

18 Q. So -- but you in your office, you're not
19 aware of there being some type of standard
20 valuation --

21 A. There's no standard. There's no standards
22 for selling domains. It's supply and demand. And
23 they've got -- whatever algorithms they use --
24 obviously shorter names, key names, are worth
25 more.

1 Established names, if you're going
2 to sell something that's with it -- if you have --
3 you know, if I was going to sell MyPillow.com and
4 still sell MyPillows to somebody, that name
5 MyPillow has got a lot of branding out there, you
6 know, so the domain is worth there. It's all
7 about eyes. It's what -- eyes getting it to that.
8 You know, how much is behind it and how easy it is
9 for the consumer on that domain name. It's
10 what -- it's what you're going to use it for and
11 how -- how important it is.

12 Q. So the -- the value may be tied to the amount
13 of consumer awareness there is of that name
14 already?

15 A. Not -- not necessarily. That's just the --
16 they know what a -- the values of domain names
17 have changed. The shorter the name, the easier.
18 I mean, that's worth more. I mean, it's like --
19 you know, if you don't think CoffeeCup.com is
20 worth a lot more than Coffee Cups in this Room at
21 This Thing, you know. I mean, people -- people
22 have had -- and that goes with anything. You go
23 to Twitter, you go to Facebook, all that. I can't
24 even have my name on one of them. I have to have
25 MyPillow USA, you know. You know. And I can't

1 get a blue check in my own name, you know. I
2 mean, there's just a lot of stuff that goes with
3 that.

4 Q. And just to make sure, when you say that if
5 it's shorter, it's worth more, I assume that the
6 letter T.com isn't like the most valuable web
7 domain in the world, right?

8 A. It -- actually, that would probably add value
9 because it's easy. I mean, it's easy. When I
10 do -- put it this way, when I went -- I got my --
11 My Lindell Foundation -- or my
12 MyLindellManagement.com, I tried to find every way
13 in the world to shorten that so if I give you my
14 business card, I'm a -- I don't like typing all
15 that crap in. I went like, you know, MT.com or
16 ML.com. You ain't gonna get that. You pay
17 through the nose.

18 So you're -- you're a little wrong
19 on that.

20 Q. Sure.

21 A. I think it's easy -- there's so many factors,
22 but one of them is the easiness if they'll
23 remember that. Remembering is a big thing.
24 Remembrance of that is a big thing.

25 There's other factors. Like I said,

1 supply and demand. If this guy is over here
2 selling it in hyperspace and you googled it ten
3 times, you're going to pay more, I'm sorry. You
4 should keep it quiet. If you want to go see how
5 much it is, buy it. You know, you go to bid on
6 it, and, oh, give us a bid. Really? I'm going to
7 give you a bid? You already have a number in your
8 head. As soon as I give you a bid, you know, oh,
9 the price of rice just went up, you know.

10 Q. Well, just to make sure I understand when
11 you're talking about that balance of factors, the
12 other factors --

13 A. There's so many factors.

14 Q. Yeah. You would agree that MyPill.com is not
15 worth more than MyPillow.com even though it is
16 shorter?

17 A. Because that -- because that's another
18 factor. That's like an established business.
19 Then you're adding in value that has nothing to do
20 with that other than when you sell your business,
21 if you didn't have that, you wouldn't get that
22 much for your business.

23 Q. Right.

24 A. It's an indirect value, you know.

25 Q. So consumer awareness would be one of the

1 factors that would influence the domain name
2 value?

3 A. Well, it would make your business price go up
4 because of that domain. If you didn't have that
5 domain -- if I was branding -- if I was sending
6 everybody to Mike.com and that MyPillow name is
7 out there, number one, I'd leave so much on the
8 table. But number two, that Mike.com, if I had
9 MyPillow.com, any businessman would say, obviously
10 that's better, you know, because they match. You
11 know, they match the name of your product.

12 People have done it all the time
13 with a product and have it established -- that's
14 why this MyStore would be so cool. Easy to
15 remember and it fits what I'm doing.

16 People try and fit -- the problem
17 nowadays is you try and -- you try and fit the
18 name with what you're doing, that has more value
19 to the person that it doesn't fit and they're just
20 buying it for, oh, that sounds cool. Like
21 CoffeeCup.com. Or in the case of the Nissan
22 thing, he sold birdhouses. He thought it -- and
23 his last name was Nissan. Nissan had a different
24 reason, you know.

25 Q. So things like whether it matches what you're

1 trying to accomplish, consumer awareness, is it
2 short, is it easy to remember, these are all
3 things that would influence the value of a domain
4 name?

5 A. It worked for me personally. For -- I mean,
6 other people, you know. And I have to -- I
7 go over -- you know, I've overpaid back in the day
8 when MyPillow had no value to anybody, but these
9 guys -- I did my -- I used to own bars and
10 restaurants. I applied for my LLC down at the
11 State first, and the corrupt guy entered it that
12 day. They're spies down there. He put in
13 MyPillow.com. I ended up having to pay \$10,000
14 for that back 12 years ago or 13 -- or 11 years
15 ago. I told him, you know -- it was -- at that
16 time it was just an idea. I said, my kid is doing
17 it for a school project. You know, you're going
18 to really clip me this, you know?

19 Q. It sounds like extortion.

20 A. Absolutely. Well, it's corruptness because
21 they're grabbing. They're grabbing. It's just
22 like any product. They're not even going to use
23 it, but they have it, you know. That's a bad
24 thing, you know, if you get something for -- but
25 that's -- it's a commodity now. It's like -- you

1 know.

2 Q. Are you aware of there being any place where
3 the prices at which domain names change hand or
4 publicly reported or index of some kind?

5 A. I think GoDaddy. I think that's one maybe, I
6 don't know, where they -- you can get -- you go to
7 GoDaddy. I don't know. It's just what I -- I've
8 never been there, but that's -- I think I've seen
9 my IT person -- that's the first place she'd look
10 because they're not as -- you know, those are the
11 weird generic ones that -- you know, that nobody
12 has grabbed from GoDaddy yet, you know. I mean,
13 there should be -- there should be a law you have
14 to use it, but that's just me.

15 Q. Have you been asked to come to Houston for
16 the trial of this case?

17 A. No.

18 Q. Do you have any intention to appear at trial
19 if asked?

20 A. I go -- I go to Lubbock a lot. That's where
21 my gal lives. So Houston is only an hour away.
22 I'm not ruling it out, but my time is very, very,
23 very, very busy and it's -- you know.

24 Q. And I don't want to use any more of it than
25 we have to, so let me just ask a couple more

1 questions to follow up.

2 What did you do to prepare for
3 today's deposition?

4 A. What did I do to prepare? I came in a half
5 hour early today.

6 Q. Okay. Have you been --

7 A. At my corporate, and these -- I met the --
8 I'm not even sure the name here.

9 MR. PATE: Mr. Pate.

10 BY MR. POWERS:

11 Q. Mr. Pate?

12 A. Yeah. And he said, you know, Mike -- my
13 lawyer, Joe Springer, said, Mike, you've been to
14 depositions before. And I said, well, I'm very
15 busy; I don't want to spend eight hours. He
16 says -- he says, well, you know, they can go how
17 they can go, and I'm going, okay. And so I said a
18 prayer that it would be shorter than eight hours
19 and here we are. There's a lot of truth to that,
20 isn't there?

21 Q. So you met with your lawyer and Mr. Meagher's
22 lawyer?

23 A. Uh-huh.

24 Q. Okay. All right. And --

25 A. And it was -- and they basically showed me

1 the sheet. Here's -- you know, here's what
2 you're -- here's what we got. The sheet you were
3 handed, you know.

4 Q. And did Mr. Meagher explain to you why he
5 thought it was important that he file a trademark
6 application on MyStore?

7 A. Uh-uh.

8 Q. Okay.

9 A. Not me.

10 Q. He didn't say anything about it being
11 something that he needed for his lawsuit against
12 HEB?

13 A. No.

14 MR. POWERS: All right. I'll pass
15 the witness.

16 MR. PATE: Thank you.

17 CROSS-EXAMINATION

18 BY MR. PATE:

19 Q. Mr. Lindell, thank you for your time. You
20 understand I represent Todd Meagher, MyStore,
21 Inc., and Alexis Meagher?

22 A. Okay. Yes, I do.

23 Q. And I just have a few questions for you, sir.

24 Do you consider the trade name
25 MyPillow to be a valuable company asset? I think

1 I already know the answer --

2 A. Yeah.

3 Q. -- to this question?

4 A. Absolutely.

5 Q. Do you consider the domain name --

6 A. I'm sorry. One second.

7 Q. Oh, no problem.

8 A. Do I what?

9 Q. Do you consider your domain name,
10 MyPillow.com, a valuable company asset?

11 A. The two you just named is our biggest asset.

12 Q. And do you consider the registered trademark
13 for MyPillow a valuable company asset?

14 A. One of our top three assets, yes.

15 Q. Okay. So you take those three things, the
16 trade name, the domain name, and the trademark,
17 and all three form three valuable assets that
18 bring value to your brand, true?

19 A. Huge, yeah. Yes.

20 Q. Okay. Would your company be damaged if you
21 were to lose the trademark MyPillow?

22 A. Beyond repair.

23 Q. Would your company be damaged if you were to
24 lose the domain name MyPillow.com?

25 A. We wouldn't be here.

1 Q. Would your company be damaged if you were to
2 lose the --

3 A. So -- so just think --

4 Q. Yes, sir?

5 A. -- if Google took a platform down on their
6 site. That would be bad.

7 Q. That's true.

8 A. I just had to throw that in there.

9 Q. That's true.

10 Would your company be damaged if you
11 were to lose the trade name MyPillow?

12 A. Yes.

13 Q. If I were to offer you 1 million for the
14 MyPillow trade name, would you accept it?

15 A. I wouldn't take a billion.

16 Q. If I were to offer you a -- 1 million for the
17 domain name MyPillow, would you accept it?

18 A. No.

19 Q. If I were to offer you a million for the
20 MyPillow trademark, would you accept it?

21 A. No.

22 Q. You've stated that if Mr. Meagher had a
23 registered trademark for MyStore.com, you would
24 have considered the domain name more valuable and
25 paid more for it. Is that because you decided to

1 use the domain name as a trade name in the future,
2 it would be protected? That wasn't a very good
3 question.

4 A. No. I -- it's really kind of polluted.

5 Q. That wasn't good.

6 A. Rephrase the question.

7 Q. Let me do it a different way.

8 Earlier in your deposition you
9 referred to -- and I apologize. I'm a little bit
10 hard of hearing.

11 A. Yeah, yeah, yeah.

12 Q. Somebody --

13 A. I'm with you. Hold on.

14 Q. Okay. Somebody by the name of -- is it
15 Mr. Sullivan?

16 A. Okay. Hold on. What did you say?

17 Salden, S-A-L-D-E-N.

18 Q. Salden?

19 A. Salden.

20 Q. Salden, okay. And what's his position?

21 A. He runs my Google AdWords, Amazon, all the --
22 we do ad buys on those platforms.

23 Q. Okay. So --

24 A. I don't know what you'd call that.

25 Q. Very good. So he's kind of --

1 A. E-commerce. He's basically e-commerce. I
2 guess that's the --

3 Q. Director of e-commerce?

4 A. Yes.

5 Q. Okay.

6 A. That's correct.

7 Q. Very good. And he -- I think I have your
8 testimony. He said that MyStore.com is a short
9 name and, therefore, it's worth a lot more?

10 A. Right, right.

11 Q. Okay.

12 A. And he's -- and just to be clear, he's
13 talking the domain names. He knows -- the domain,
14 dot-com.

15 Q. Right.

16 A. He's got a different view -- and that would
17 be worth X, okay? But without that -- if you
18 don't have the registered trademark, you
19 basically -- what do you have? I mean, I know
20 what it takes to fight in that space, so it's
21 really -- that was a calculated gamble I took, so
22 it's basically (descriptive sound), without that.

23 Q. You want all three components to come
24 together. You want the domain name --

25 A. You can't -- yeah. I don't believe that you

1 can make it in that space, anybody, without those
2 three components together. That's what I -- I
3 believe that.

4 Q. And let's take the domain name that you have,
5 MyPillow.com, and the issue of shortness and that
6 that's more valuable. MyPillow.com, in your
7 thinking, in your evaluation, would be more
8 valuable than MyPillowTX.com, true?

9 A. Absolutely. But back when those corrupt guys
10 took MyPillow, I had MyPillowShop.com. It wasn't
11 close to the -- I know how it went. (Descriptive
12 sound), you know. I had to make a decision there.
13 All the money I had in the world -- in fact, I had
14 to borrow money to give these guys, I think it was
15 10,000 or \$11,000, back when I had nothing to get
16 them because I knew the value of having -- hearing
17 MyPillow.com rather than MyPillowShop.com. That
18 was totally about length of name and matching the
19 product I'm selling.

20 Q. Right.

21 A. You know, the -- if you're -- if whatever
22 you're branding at, if your trademark, you don't
23 have that R -- the domain -- the domain -- you
24 could change the domain, have the domain. That's
25 your store there.

1 Q. Right.

2 A. But I -- you're -- for the consumer,
3 you're -- matching all three is amazing.

4 Q. Yeah.

5 A. The product name, ding ding. Unheard of.
6 That's your home run.

7 Now, can you function with your
8 product and your R matching? Yes. And the domain
9 could be, you know, Mike's -- MikeLindells.com,
10 because you're branding these two things and
11 you're sending them there. It's just -- you're
12 going to lose some and -- you're going to lose
13 some of your filter.

14 Q. Right. And you like MyPillow.com because if
15 a consumer is wanting to buy a pillow, it kind of
16 suggests what you would type into the Internet to
17 go find your pillow, right?

18 A. Because it's -- there's a lot of reasons for
19 that name.

20 Q. Yeah.

21 A. It's -- it matches everything.

22 Q. Right.

23 A. MyPillow -- and it's called MyPillow. I
24 didn't get the name originally to go, oh, people
25 will Google "pillow" and they'll go to MyPillow.

1 No. I named MyPillow MyPillow back before my's
2 were even, you know, nothing, a figment of
3 people's imaginations, so I thought it was weird.
4 Where's MyPillow? MyPillow.

5 Now people have become to know that
6 as -- that is a brand. To get that to change to,
7 you know, a brand, it was even weird for people,
8 but they -- but to have that domain that matches
9 that, you're searching for MyPillow --

10 Q. Right.

11 A. -- you know, which brings us back to corrupt
12 Google. So you have these ad words there and
13 they're googling my brand name and selling ads up
14 there, you know.

15 Q. Right.

16 A. That's crazy.

17 Q. And if you were to be offered the domain name
18 such as MyPillowTX.com, you wouldn't have a high
19 interest in that because it's geographically kind
20 of limiting suggesting Texas, isn't it?

21 A. I've never bought any -- I've never bought
22 any other -- you -- when you brand your name, you
23 don't need to get all the dot-coms. You need to
24 worry about your trademark, your Rs. That's where
25 you need to protect, your R.

1 You -- if you start -- if you get
2 every combination of MyPillow, blah blah blah --
3 now, do other countries? You get the MyPillow CA,
4 like Canada, that's different. But you --
5 absolutely. That's another mistake that
6 entrepreneurs make, by the way, is they'll go get
7 MyPillow.net, MyPillow.org, MyPillow.tv, you know,
8 all these things, thinking other people are going
9 to come. That's not the way they go after you.

10 Q. Right.

11 A. And you don't need it. It's a joke. You're
12 sending people to different things.

13 If you did get a name -- I've gotten
14 a couple, like that -- when I had that
15 MyPillowShop.com, I have to redirect that. I
16 don't leave it up there on Google as a site. You
17 weaken your engine. You weaken your engine.

18 Q. Right.

19 A. All these things would weaken yourself.

20 So if you did have one so somebody
21 else didn't get it, like, you know, then you take
22 that and you redirect it to your -- to your
23 website, so if they did click on that, you would
24 come here.

25 Google is a machine that you've got

1 to know their back algorithms. Otherwise you're
2 almost gonna cannibalize yourself --

3 Q. Right.

4 A. -- or weaken yourself, weaken your links.
5 And this is another person I'm going to count --
6 that checks out. Links that can be -- if this
7 thing is linked, you might make this one strong
8 and you know -- and your website isn't even as
9 strong as it should be, you know.

10 Q. Another thing I wanted to get clarification
11 on, I think you testified earlier that Todd Carter
12 said that Todd Meagher had some good stuff. And
13 was he referring to Todd -- Todd Meagher's
14 computer coding and technology platform? Is that
15 what he was referring to?

16 A. I think it was the -- you know, I don't think
17 it was that so much. It was the good stuff,
18 meaning that he had all these platforms, which is
19 strange that you got -- to have a name that short
20 and have Twitter, Pinterest, Google -- or I mean,
21 Suck a Buck or Facebook -- I mean, you have a --
22 you have all these -- did I say Suck a Buck?
23 Okay. Suck -- what is it? He has all these
24 handles in that corrupt Silicon Valley world,
25 so --

1 Q. Right.

2 A. -- because it's -- for me, that was very
3 important because I don't have to fight in that
4 space. You know, I looked at -- you know, the
5 gamble -- the calculated gamble I took was, okay,
6 these spaces -- he says there's some confusion or
7 some problems over here, but these were all lined
8 up like (descriptive sound), perfect. And I'm
9 going, well, it's worth this --

10 Q. Yes.

11 A. -- if -- you know, and if I get this -- you
12 know, it was worth the calculated gamble
13 because --

14 Q. Sure.

15 A. -- because there was -- these were -- this
16 was good stuff. You had these on those platforms.
17 That's pretty much unheard of. If you would have
18 had the R for it, this would have been sort of
19 like oh, you know.

20 Q. Much more valuable?

21 A. Oh, absolutely, because it just -- without
22 that, these amazing things don't really mean
23 anything.

24 Q. Absolutely. Now, you mentioned that -- and
25 you saw some documents from your company's filing

1 with the United States Patent and Trademark
2 Office --

3 A. Right.

4 Q. -- there were some glitches in the
5 application, one -- one of which may be the space
6 between "My" and "Store." And were you also aware
7 that there were some glitches in the
8 identification, you know, that's in red how --

9 A. You know, I wasn't aware of this, and let me
10 tell you about this.

11 Q. Yes.

12 A. I normally -- back with MyPillow, I even did
13 it myself, you know, without a lawyer.

14 With this, I've had -- I've had the
15 same patent attorney. We have him doing stuff all
16 the time. I basically said, get everything you
17 can without direction of them to get -- you know,
18 you guys, the name could -- here, I could have
19 probably corrected it with -- I haven't even read
20 this.

21 Q. Sure.

22 A. I would have had that corrected, whatever it
23 was. But I didn't -- to be honest with you, I
24 said, just get the -- get everything you can that
25 would tie into this so somehow we would have --

1 you know, maybe something -- if I could use
2 this -- we never got this. I didn't know, you
3 know.

4 Q. Okay.

5 A. So they did this without my -- I did -- I did
6 make the logo. My daughter put that together.

7 Q. Oh, okay. And then is it your understanding
8 that your company abandoned this application so
9 Mr. Meagher could fetch it and acquire it and then
10 give it to your company?

11 A. Correct.

12 Q. And you went into quite a length earlier in
13 your testimony about -- it seems like you evaluate
14 and vet the businessmen and women that you do
15 business with.

16 A. Uh-huh.

17 Q. You're concerned about character.

18 A. Absolutely.

19 Q. Okay.

20 A. That's why I'm -- in fact, I'm full
21 disclosure. I walk in a room and here's who I am
22 and you better show me who you are. If you want
23 to screw me over, you know, it's over because this
24 could have been a great thing in the long run.

25 Q. Right.

1 A. And that's where that's at.

2 Q. And did you vet Mr. Meagher and find him to
3 be a man of -- from what you can tell, a man of
4 character?

5 A. Yes.

6 MR. POWERS: Object to the form.

7 THE WITNESS: I mean, they -- yes.

8 Did I dig into the past? I vetted him one on
9 one --

10 BY MR. PATE:

11 Q. Right.

12 A. -- in that room.

13 Q. Sure. And you also, I think, remarked that
14 it was part of Todd Meagher's heart or part of his
15 character that he's going and trying to chase down
16 this trademark --

17 A. Yes.

18 Q. -- for your company?

19 A. I really believe that part of the -- you
20 know, the picture that was painted in that office
21 was, you know, he really appreciated -- or cared,
22 and a lot of times people disguise that for this
23 stardom thing, okay? It was -- I know, you
24 know -- at first I thought, he wants to come up
25 here to meet me, blah -- you know, whatever. And

1 then he got in the room and then he heard about
2 what I was going to do with it. Now, I don't know
3 if Todd had told him that over the phone or what
4 we planned to do. I was full disclosure. Here's
5 what I'm gonna do. This money is going to help
6 these addicts in this country. It's going to help
7 inner cities. It's going to help everything.

8 And I really believe that his -- you
9 know, I think to this day he would have stood --
10 it would have stood firm on a much higher price
11 even for that maybe, and then he felt bad he
12 didn't have that R. And I'm going, well -- you
13 know, I'm going, well, this is not worth that. I
14 mean, what are we talking here, you know?

15 And him coming back, he didn't have
16 to come back. I took the gamble and say, I want
17 to help you get the R. He didn't have to do that.
18 I believe that was because I showed him who my
19 heart was. I don't think he has another agenda.
20 I haven't made any promises to him.

21 You could talk about this Facebook
22 thing. There's been no promise there that I'm --
23 absolutely not. I said, Todd, I have to look and
24 see what it is. I don't -- it's part of the thing
25 he already said I don't believe in, or part of it.

1 I'm just -- I'm still skeptical. I've got another
2 thing. You know, what if he did this? That's why
3 I sent him to the other guy that -- you know, go
4 to this guy and see what he's -- you know, he's
5 got some big ideas. And it turned out that -- I
6 feel bad I sent him to that guy, you know.

7 Q. I just have one or two more questions for
8 you.

9 Counsel brought up kind of a
10 hypothetical about shortening of names and he
11 said, well, how about shortening MyPillow to
12 MyPill.com. That would not be attractive to you
13 at all because "My Pill" suggests maybe a
14 pharmaceutical drug, correct?

15 A. Right. I mean, the more descriptive in your
16 name you can get of your product, obviously the
17 better -- of the domain name, you know. The
18 registered trademark, you know, the way I -- I'll
19 tell you, the way I do business, you want to get
20 all three. You want to get your best -- your best
21 opportunity for success there. And if I would
22 have sent -- all this time if I would have sent
23 MyPillow to MyPillowShop.com, I'm telling you, you
24 would have lost by the power of multiplication.
25 Somebody that's just even too lazy to type in

1 MyPillowShop, they'll go what was it, MyPillow,
2 you know.

3 I don't know if we would have got
4 the way we branded because my branding -- I don't
5 brand. Every spot you see breaks even or makes
6 money. So it's like you need everything -- you
7 need every advantage you can get to get that -- to
8 get that --

9 Q. Oh, absolutely.

10 A. -- to get that money.

11 Q. Let me just check my notes.

12 MR. PATE: I'm going to pass the
13 witness.

14 REDIRECT EXAMINATION

15 BY MR. POWERS:

16 Q. Just a little bit of follow-up, Mr. Lindell.
17 I want to make sure there's not any lack of
18 clarity about this discussion of vetting Mr.
19 Meagher.

20 Had there been any kind of
21 background check done on Mr. Meagher by you or
22 your company?

23 A. I --

24 MR. PATE: Objection to form.

25 THE WITNESS: What's that?

1 MR. PATE: You can answer.

2 THE WITNESS: I think Todd Carter,
3 you know, because we checked out -- I think that's
4 when I found out, he said he was partners with
5 Julian Lennon, I guess, or -- which, you know --
6 he was pretty -- what I liked about him, he was
7 pretty open and that after it was him and I one on
8 one, after he got past this -- what had been said
9 to him by this Steve guy, and I'm going, this
10 isn't who I am, you know. Let's just talk and
11 see, you know. Who are you, you know? You know,
12 I'm -- I could say something now about some other
13 people, but I won't.

14 BY MR. POWERS:

15 Q. But -- but --

16 A. But he -- he -- so when he said that, I had
17 Todd -- you know, Todd kind of does my due
18 diligence on that. And Todd said, yeah, he's
19 legit; this is his partner, blah blah blah.

20 So it's a couple things he said in
21 that, and that could have been -- and then
22 before -- you know, then I, you know, went to Todd
23 and say, check this out; he says this. You know,
24 just, you know, cross-check. But you -- and you
25 get him in that one on one.

1 And have I been fooled before?

2 Absolutely. I've had more betrayal in my life
3 than you could ever, you know -- but you've got to
4 go with -- you know, I look at things and I just
5 felt there was many things that pointed to it.
6 This was a divine appointment, the right thing to
7 do, and it matched so good.

8 I mean, if we would have been some
9 shyster, whatever, some crook, would I have still
10 bought it? I don't know. I probably would
11 have -- I probably would have because it matches
12 so good, but -- yeah.

13 But would I -- with all the -- I
14 will say this: If I hadn't talked to him and, you
15 know, took the calculated gamble on that, now
16 you're adding another factor into his character
17 that down the road he isn't even try to -- now
18 whatever he's talking about, and normal
19 businessmen would not have done that.

20 I did -- I based that on the guy I
21 seen there, that he would -- that he would do this
22 for me on a handshake. And that's why I kept --
23 took that calculated gamble of \$400,000 and which
24 at the time, that -- and anytime it's a lot of
25 money, but at the time it's like -- I'm looking

1 down the future. Had he been a shyster, whatever,
2 like I -- that I could see through this whatever
3 sheep in wolf clothing or whatever, or the
4 opposite or whatever, I would have not -- I would
5 have not took that gamble. You know, I would have
6 said -- you know, it would have been a
7 different -- it would have been a different thing.

8 Q. And I just want to make sure it's clear for
9 the jury. When you say that you -- you vetted
10 him, it's in that in-person interaction where
11 you --

12 A. Yeah.

13 Q. -- feel --

14 A. Yeah, absolutely. To me, that's worth it,
15 you know. And to check out some of the things he
16 said.

17 Q. Right.

18 A. You know, if someone says they're a partner
19 with John Lennon's kid, I go, you know, okay, that
20 would be a pretty big fabrication.

21 Q. But you had not looked into his litigation
22 background?

23 A. No, none of that.

24 Q. You had not discovered the tax liens on his
25 home?

1 A. No, none of that. I have no idea. This is
2 the first I've heard of that right there.

3 Q. Okay. It was your sense, though, when you
4 met him that he appreciated or cared about the
5 mission that you had?

6 A. Absolutely. That was -- and if he wouldn't
7 have, I don't think I would have trusted him.

8 Q. Right.

9 A. You know, there was -- it was both. I really
10 believe he -- he sincerely cared about what I was
11 doing.

12 Q. Yeah. And that mission would help
13 entrepreneurs and help the beneficiaries of your
14 charitable mission?

15 A. Right. With his addicts and to help the
16 addiction in this country and to help inner
17 cities.

18 Q. But Mr. Meagher never offered to donate the
19 domain name to you?

20 A. No.

21 Q. The --

22 A. That would have been a good thing. I should
23 have -- let's rewind the tapes.

24 To be honest with you, though, it
25 was kind of like -- you know, we had steered it to

1 that as kind of like, okay -- I do think this,
2 that had I not told him all that, it would have
3 been 1.7 million stuck on, you know. I mean, it
4 could have been in millions. He wasn't going to
5 budge on that.

6 I don't -- you know, I don't know
7 how far down -- that would have been typical
8 corporate negotiations. I don't know you. I
9 don't care, but I don't trust you and I don't
10 trust you. That's typical in corporate world
11 America. That's my opinion.

12 Q. Yeah. But as you described to Mr. Pate, it
13 was -- it's really important to you that you
14 protect your trade name, your domain name, and
15 your trademark, all three of those?

16 A. Absolutely.

17 Q. It's so important that you hire people to
18 defend you in the technology space and you hire
19 lawyers like Mr. Simonelli to defend you in the
20 legal space?

21 A. Being proactive in the -- in the trademark
22 and getting the -- getting the -- now I can do
23 stuff proactively that I didn't -- that I didn't
24 know then.

25 Q. Yeah. And I think you said that

1 entrepreneurs make a mistake of thinking they need
2 to register every domain name when they should be
3 protecting the trademark?

4 A. They should be getting the registered
5 trademark and getting -- you get that, and it's
6 the domain names where they get into, oh, I'm
7 going to go out and get -- gee, does anybody have
8 this dot-com? Well, it doesn't matter if you
9 don't have the R. What are you going to do, sit
10 and fish in an empty pot, you know?

11 Q. So you were trying to develop a brand and
12 develop a business, letting your trademarks lapse
13 would be a pretty serious mistake?

14 A. Absolutely. It happened to my father when
15 he -- quite a while ago, and he let his -- not
16 only his trademark but his patent lapse. He had
17 cancer and he didn't -- and nobody attended to
18 that and it lapsed, you know.

19 Q. And I think as you described it with respect
20 to MyPillow, losing any piece of that trademark,
21 trade name, domain name, triad, losing any part of
22 it --

23 A. Yeah, once it's established, yeah.

24 Q. -- could be irreparable?

25 A. Right. You can -- you can lose it -- you can

1 lose the other two and save with the R because it
2 protects your product, but you can't do the other
3 way around. You lose the R, you're dead, you
4 know, because they can stop you.

5 It's like this -- it's kind of like
6 patents. When I got my patent, I was told once,
7 are you going to get a patent on this pillow? And
8 the guy says -- and this guy sat -- or no, the guy
9 came up to me at the Minnesota State Fair and he
10 said, are you the guy that invented this? I said,
11 yeah. This was in 2006.

12 He said -- he said, well, you know
13 this stuff lasts ten years. He said, this will
14 never see big retail. And he goes, you ever hear
15 of the cars that got 200 miles to the gallon? He
16 says, you'd better go get a patent or -- and he
17 said, the average person buys 40 pillows in a
18 ten-year period. You'd better go get -- go get a
19 patent because the big companies -- I'm not going
20 to name them; we all know what they start with, a
21 lot of S's -- they're going to go around you, get
22 that patent, and never make this pillow, so --
23 just like they did with the cars that got 200
24 miles to the gallon.

25 So it's like with a patent, it

1 protects you in your own space. A lot of that's,
2 you know, for defensive protection that -- as much
3 as off -- you know, to be here I am, and that's
4 what they're, you know --

5 Q. So you think it's important, get the R and
6 defend the R?

7 A. Get -- absolutely.

8 Q. Okay.

9 A. That's -- to me that's -- you get that, and
10 the R -- that R gets more and more valuable as
11 your product -- or if it's a product or
12 whatever -- as you get the money you spend on
13 branding that R. That's -- you know.

14 MR. POWERS: Pass.

15 RECROSS-EXAMINATION

16 BY MR. PATE:

17 Q. Just a couple more questions.

18 You talked about -- you used the
19 interesting phrase a minute ago, "in your own
20 space." Tell us what you mean by that. You're
21 protecting --

22 A. Yeah, you're protecting -- in this world we
23 live in, not only if you don't get copied at the
24 ground level, it's all about -- they all want a
25 piece of whatever you've done. Obviously MyPillow

1 is probably one of the biggest targets in the
2 United States because I've seen the most. I've
3 been on TV over 2.5 million times. So they --
4 everybody wants to grab on to that. It's
5 (descriptive sound).

6 An entrepreneur over here, you're
7 not going to hear about that guy who gets
8 swallowed up by the -- you know, you're not going
9 to have a lawyer to fight that, to protect it.
10 And if he doesn't know this other -- these
11 platforms that we live in, then you -- you could
12 be dead.

13 Like I told the guy that got, you
14 know, \$9,000 he spent on Google AdWords and all he
15 did was get in there himself. He didn't know
16 anything about what goes on there, and he was
17 charged so much a click. And he -- you know, he
18 sold a hundred and some dollars worth of product.
19 It put him in -- they had saved his whole life for
20 this. He's got all this product. I felt so bad
21 for him. I'm going -- and Google is not -- they
22 don't care. They're not going to give that back.
23 And you know what? They don't need a bill
24 collector. You know what they do? You can't
25 advertise in here anymore.

1 Q. Right.

2 A. It's that simple. So in your own space, it's
3 what -- it's what stuff is worth --

4 Q. Right.

5 A. -- you know, depending where your footprint
6 is too, you know.

7 Q. Are you meaning in pillows, in selling
8 pillows, that's your space?

9 A. Yeah. In my -- in my -- whatever my brand
10 name, whatever my brand is, to protect that space,
11 that's -- you know, you need to protect that. And
12 if you -- but -- from ad words, from copycats,
13 from, you know, corruption. From -- I mean,
14 that's your -- that's your -- protect patents is
15 supposed to do that too, but everybody knows they
16 tweak one thing and you ain't gonna, you know --
17 to me, your trademark is even more important than
18 your patent.

19 Q. Right. Now, let's talk about that for a
20 second. If somebody goes out and gets a trademark
21 that's somewhat similar to your trademark but
22 they're in a whole different space. They're
23 selling cars. They're not trying to trade off of
24 your goodwill and sell pillows. They're just
25 selling cars. You're not too concerned about

1 them, like you are with somebody that's trying to
2 sell pillows, correct?

3 A. Well, that depends. I'm in a different
4 space because --

5 Q. Right.

6 A. -- because right now -- I'm in an anomaly
7 right now with MyPillow. You could -- if I had
8 somebody selling cars and putting MyPillow on it,
9 they're using -- or my face. They use my face all
10 over -- I just had one yesterday. They used my
11 face all over the place, which I've got
12 trademarked now, you know. And they -- you have
13 to -- you know, it depends on, like I say, the
14 footprint you're in, if you -- what was the
15 question again?

16 Q. Yeah. If somebody gets a similar trademark,
17 somewhat similar, maybe calls it MyCarPillow.com
18 or something --

19 A. We went and --

20 Q. -- like that, and they're selling cars?

21 A. In my thing, we've had to go after that
22 because in this world, and it's kind of shifted
23 because of Google AdWords. You know, if Google
24 AdWords all of a sudden -- I'll give you an
25 example.

1 I mean, it doesn't -- it doesn't --
2 it depends what space you're in. When I came out,
3 there was a thing called My Pillow Pets, if
4 everybody remembers them. Well, they were up
5 there, number one, organically. And I thought,
6 you know what? It's in a different space. It's a
7 little stuffed animal. And I thought, you know
8 what, they're gonna -- I talked to them. I said,
9 you're not gonna -- if you ever do an infomercial,
10 I said -- because I thought it might have been
11 infringing on this trademark I had, and I said, if
12 you ever do an infomercial, you can't do it.
13 You've got to rebrand yourself as Pillow Pets,
14 which they did, and we came to an agreeable.

15 But in that space, in that moment in
16 time, neither one interfered, but they shifted
17 their brand named to Pillow Pets, trusting me that
18 I was gonna be huge some day. I did that in 2006
19 or '07, seeing the future. Not many people would
20 have been proactive like that and went to that
21 company to say, you need to take the "My" off
22 that. I'm not gonna sit and fight this.

23 Now, and we're both going to benefit
24 from it because as I start branding -- moving --
25 you know, you're taking spaces in Google. See,

1 there's a different factor nobody realizes that
2 comes in. You're blocking each other out and
3 you're having -- if you would have -- let's say
4 you have Coffee Cup and then you had -- I don't
5 know how to -- the example, but I guess that
6 Pillow Pets is the best example.

7 So you're -- you're kind of taking
8 these spaces and if someone is looking for a
9 Pillow Pet, they'll -- well, I might buy a
10 MyPillow and vice-versa. But when you get to
11 another sphere, that's where I had to have them --
12 you guys got to agree over time to take out that
13 "My" because I could see the future. Not many
14 people see that --

15 Q. Right.

16 A. -- where you could -- it just really depends
17 on the space you're in.

18 Q. Right.

19 A. Would I allow a -- would I allow, in my space
20 I'm in right now, someone to have MyPillow --
21 MyPillowCars.com? Absolutely not, because there
22 would be bleeding off the public my name
23 recognition in this United States, which I'm the
24 most recognized brand in the country, and they
25 would be going, oh, Mike Lindell gave this car

1 place credibility in this.

2 So I'm in a different space like
3 that. So other entrepreneurs wouldn't worry me at
4 times. It didn't at Pillow Pets, but it did, you
5 know -- I mean, I think everything is different
6 when you come to that.

7 Q. Let me tweak that just a little bit. How
8 about if they're -- they get a trademark for
9 MyCar.com and their space is they're selling
10 automobiles?

11 A. Yeah. That's --

12 Q. You're not going to police that?

13 A. No, absolutely not. Totally different.

14 Q. Same thing with like MyCoffeeCup.com?

15 A. Right, absolutely. That's where the my's --
16 the my's -- I believe one of the places, the my's
17 thing, I did a commercial in Eden Prairie,
18 Minnesota and the Twins were there and they seen
19 that -- the Minnesota Twins. And right away you
20 had, My 29, MyTwins.com. And it was -- it just
21 kind of -- and I think at the same time you had
22 other my's starting up at the same time back in
23 the early 2000s, and they were all different. It
24 was like putting a prefix. It was like Apple to
25 an iPhone, and if they came out with an "I" coffee

1 cup, you know, same type of thing.

2 Q. I think I have one more question for you.

3 Going back to the vetting of
4 Mr. Meagher, you had Todd Carter vet him to line
5 up some of his claims to make sure they were
6 accurate, like --

7 A. Just to fact check. Basically, fact check,
8 you know, because I'm -- I've been burned so many
9 times by people, and I think they have a good
10 heart and they come in and they -- you know,
11 they'll deceive me and I turn around and I'm
12 going, wait a minute; are you kidding me?

13 And I can -- you can read my book.
14 I mean, it's one after another. But you've got
15 to -- you've got to trust. You can't just not
16 make deals or not talk to people. I feel
17 getting -- you know, if nine -- if that happens to
18 me one out of ten times, I want to give that
19 person the here's who I am; who are you. And his
20 fact checks came out. It wasn't a big vetting.
21 It was certain things I pulled out of the
22 conversation to fact check. If you're going to
23 lie about a little thing, you're going to lie
24 about a big thing, you know.

25 Q. Plus when you meet Mr. Meagher in office --

1 you're a pretty good judge of character, aren't
2 you? You've had your mistakes over the years, but
3 you're --

4 A. Oh, yeah, I've seen -- but like, it can still
5 happen. I mean --

6 Q. Sure, absolutely.

7 A. -- I'm not saying -- you know, nobody is
8 perfect because when greed is involved, they can
9 be very deceiving, you know.

10 But yeah, I think I am. I think I
11 am. And if I'm not, I'll pray about my things. I
12 mean, I'll pray about stuff. You know, is this
13 the right thing? Or I look for divine connections
14 or divine appointments that happen.

15 Q. Spiritual discernment as well.

16 A. Yeah. This is my discernment. And when --
17 one of the things was that it was so close to
18 Dallas. That was just -- of all the places in all
19 the world, in all the times, he's right next to
20 the guy that I would have check him out. So he
21 got to drive -- you know, basically, go check his
22 office. His office is, it's crazy, two miles
23 away.

24 So now I look at -- people could
25 say, well, how can you connect that? I can tell

1 you stories over and over again of where -- and
2 everyone in my company could -- when I get these
3 divine appointments, that -- it's something means
4 something.

5 Q. Right. Plus when you get to have the
6 notoriety and the publicity and the fame that you
7 have, you can see through people pretty quickly to
8 see if they're just after your money or riding off
9 of your popularity?

10 A. Yeah, I usually can. And, you know, you're
11 talking to a guy, I've had guns to my head, swords
12 to my throat. I have been in -- God has given
13 me -- being able to be put in a situation and get
14 out of that situation by his protection.

15 So do I see it right away? I
16 usually -- I used to err on the side of -- I give
17 the benefit of the doubt and forgive them. Okay,
18 I'm going to forgive this part. But now it's
19 become, my boundaries are a little more, you know.

20 Q. Yeah.

21 A. Maybe a lot more, you know.

22 Q. Absolutely.

23 A. You know, even though the guy could just
24 knife me in the head, I would, you know, forgive
25 him. Okay, I guess we'll still do the deal. No.

1 I've gotten a little better.

2 MR. PATE: I pass the witness.

3 FURTHER REDIRECT EXAMINATION

4 BY MR. POWERS:

5 Q. All right. Sorry. One more. I have to
6 follow up on a --

7 A. Yeah.

8 Q. -- question he raised.

9 So he's talking about this notion of
10 names that are similar but they're in different
11 spaces. And so let's imagine that you've got
12 MyPillow.com. Someone comes along and registers
13 MyPill.com and it's a pharmaceutical company and
14 they really want to sell medicine. Does that
15 cause you any heartburn for them to have that?

16 A. You know, it wouldn't have, but now it would
17 have, what you just said exactly, because we have
18 a corrupt company. They're called Snuggle-Pedia
19 [sic]. They're buying our ad words since they
20 started out, buying MyPillow -- or MyPillow --
21 using our name in their trickery, so your -- the
22 consumer sees the name MyPillow on our ad words
23 and buys it, but they don't have MyPillow, okay?
24 It's a company in California.

25 Then they went to -- we got ahold of

1 Google, got ahold of a trademark, sent a shot
2 across their bow, you can't do this. It's our
3 registered trademark.

4 Then they went to MyPill. They put
5 MyPill up there. Not dot-com, but MyPill. And
6 then we shot across the bow, and they took -- now
7 it just says "My" versus "Our Pillow." They still
8 got by with it. Very corrupt company. Very --
9 they found an angle.

10 And I just -- in my mind, I've had
11 to just be, you know, okay with that. But before
12 if it was them selling pills and they -- and I
13 didn't -- wasn't aware of that, probably would
14 have.

15 The problem is -- you look at is
16 what are they gonna do if MyPill.com -- and if I
17 look, wow, they've been around, they're selling
18 pills, no problem. But if it's -- but now you'd
19 have to worry -- you still have to get lengths to
20 get to the MyPill.com.

21 But the -- these guys using -- it's
22 all good Google AdWords that's come into play,
23 which people don't realize of how -- what can they
24 do with that?

25 Now, you know, what they could do

1 with that, they could buy my ad words and if you
2 as a consumer see MyPill.com up there, it doesn't
3 matter what they're selling. I'm in a different
4 space than a lot of people are because of the
5 power of my brand right now.

6 Get this. Let's just say -- let's
7 say that -- I'll give you an example. Delta. You
8 brought up Delta before.

9 Q. I believe he did, but go ahead.

10 A. Somebody did.

11 So you have two Deltas selling two
12 different things, right? And one of them -- one
13 of them doesn't have the R and the other one does.
14 Let's say the planes do. Well, now this Delta
15 over here at the time, that's okay, they're
16 selling luggage or whatever.

17 Well, now what happens to Delta's
18 competition? Let's say it's United Airlines,
19 okay? They go get that -- the Delta.com or
20 DeltaPlus.com -- or Delta with a -- it's little
21 add-on, and now they buy Delta's ad words to get
22 people to fly in their airplanes, and you think
23 it's Delta. But they're going to pull X amount.
24 That's what's going on in our country.

25 Q. Well, and --

1 A. And it starts with corrupt Google.

2 MR. PATE: Objection; nonresponsive.

3 BY MR. POWERS:

4 Q. And so if -- you know, if MyPill.com pops up
5 and they actually are selling, you know, some
6 medication or something like that, but then they
7 started taking banner ads from Tempur-Pedic and,
8 well, I'm going to set up pillowcases --

9 A. Absolutely.

10 Q. -- would you object to that?

11 A. Yeah, absolutely. This is exactly what I'm
12 talking about. It depends -- you know, if I -- if
13 somebody came to me and said, I have -- you know,
14 I went and got MyPill.com and it's this
15 pharmaceutical company or whatever it is and they
16 had -- for all I know, they do.

17 Now -- now, if I would -- if he
18 stayed in his space, that would be okay. I'd be
19 absolutely fine. But all of a sudden if it kept
20 coming up and he's buying MyPill.com, buying our
21 ad words against that, now I could go -- because
22 of my R, I can go to the trademark office and take
23 him to court. But that's customer confusion
24 because of my brand of MyPillow because he invaded
25 my space, and that gives me protection within my

1 own space. You follow me?

2 Q. I do.

3 A. That's a big thing because it's very complex
4 right now, is -- depends what they're using it.

5 Well even at MyPillow, if they had
6 MyPill.com out there and they're selling pills or
7 whatever, as long as it's not illegally, you know,
8 they -- and then -- but if they came up and
9 took -- and tried to steal from us in my space.

10 But on the other hand too, they've
11 got to be very -- I've learned you have to be very
12 proactive. Like I Heart MyPillow got out there
13 and -- you know, and using it against me, you
14 know.

15 Q. I understand.

16 MR. POWERS: I pass the witness.
17 I'm done.

18 MR. PATE: I'm done.

19 MR. POWERS: Thank you very much.

20 THE WITNESS: You guys good?
21 Awesome.

22 MR. PATE: Got you out of here
23 before eight hours.

24 THE WITNESS: You guys know I don't
25 like Silicon Valley very well?

1 THE VIDEOGRAPHER: This concludes
2 today's deposition. We are going off the record
3 at 11:48.

4 (The deposition was concluded at
5 11:48 a.m.)
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REPORTER'S CERTIFICATE

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I hereby certify that I reported the
VIDEOTAPED DEPOSITION OF MICHAEL J. LINDELL, on
January 15, 2019, in Chaska, Minnesota, and that the
witness was by me first duly sworn to tell the whole
truth;

That the testimony was transcribed by me and
is a true record of the testimony of the witness;

That the cost of the original has been
charged to the party who noticed the deposition, and
that all parties who ordered copies have been
charged at the same rate for such copies;

That I am not a relative or employee or
attorney or counsel of any of the parties, or a
relative or employee of such attorney or counsel;

That I am not financially interested in the
action and have no contract with the parties,
attorneys, or persons with an interest in the action
that affects or has a substantial tendency to affect
my impartiality;

That the right to read and sign the
deposition by the witness was reserved.

WITNESS MY HAND AND SEAL this 18th day of
January, 2019.

Paula Richter

Paula K. Richter, RMR, CRR
Notary Public, Ramsey County, Minnesota
My Commission Expires January 31, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HEB GROCERY COMPANY, LP,
Plaintiff,

v.

TODD MEAGHER, IRENE ALEXIS
MEAGHER and MYSTORE, INC.,
Respondents.

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§

CIVIL ACTION NO.: 4:17-CV-02810

MICHAEL LINDELL AND MIKE LINDELL PRODUCTS, LLC'S
RESPONSES TO PLAINTIFF'S INTERROGATORIES

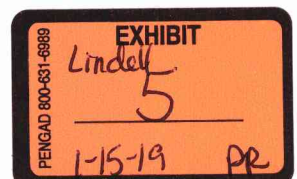
To: Plaintiff, HEB Grocery Company, LP, by and through its attorneys of record, Louis T. Pirkey and Tyson D. Smith, Pirkey Barber PLLC, 600 Congress Avenue, Ste. 2120, Austin, TX 78701; and

Jason M. Powers, Stephanie Miller Noble, Vinson & Elkins, LLP, 1001 Fannin St., Ste. 2500 Houston, TX 77002

Michael Lindell and Mike Lindell Products, LLC (collectively, "Respondents") serves the following Responses to Plaintiff HEB Grocery Company, LP's Interrogatories.

GENERAL OBJECTIONS

1. Respondents object to all individual requests to the extent they call for information protected by the attorney-client privilege, the attorney work product doctrine, joint defense privilege, or any other applicable privilege or protection ("Applicable Privilege"). To the extent that the Interrogatories call for information protected by an Applicable Privilege, Respondents hereby claim such Applicable Privilege and invoke such protection. The fact that Respondents do not specifically object to an individual request on the ground that it seeks such privileged or protected information shall not be deemed a waiver of the protection afforded by the Applicable Privilege.



2. Respondents object to the Interrogatories to the extent that they seek the discovery of sensitive and confidential business, financial and/or proprietary information of Respondents or any third party.
3. Respondents have exercised due and reasonable diligence in responding to the Interrogatories and Respondents reserve the right to supplement or amend any and all parts of the responses provided herein should new information be discovered.

Subject to the foregoing General Objections, Respondents answer the Interrogatories as follows:

ANSWERS TO INTERROGATORIES

1. Please describe the complete terms of the transaction to acquire the MyStore.com domain name or related marks (e.g., what was sold, by whom, to whom, and in exchange for what).

ANSWER: Mike Lindell Products, LLC purchased the domain name mystore.com for \$400,000 from Todd Meagher.

2. Please identify each written agreement or written conveyance relating to your acquisition of any interest in the MyStore.com domain name or related marks.

ANSWER: There was no written agreement between the parties to purchase the domain name. Upon information and belief, Todd Meagher submitted documents to the registrar of the MyStore.COM domain name to transfer the domain name to Respondent Mike Lindell Products, but Respondents do not have such document.

3. Please describe the role of each individual who participated in negotiating or carrying out the acquisition of the MyStore.com domain name.

ANSWER: Michael J. Lindell: Michael Lindell negotiated the purchase of the domain name face-to-face with Todd Meagher.

Todd Meagher: Todd Meagher negotiated the purchase of the domain name face-to-face with Michael Lindell.

Todd Carter: Todd Carter is Chief Technology Officer for Lindell Technologies, LLC, who provides shared technology services to various entities related to Michael Lindell, including Mike Lindell Products, LLC. He sent the initial email inquiring about purchasing the domain name mystore.com. After the business deal had been struck between Michael Lindell and Todd Meagher, Carter reviewed the source code and a demo of the web application developed for mystore.com with Todd Meager and his son, Nick Meagher. The web application showcased brick and mortar retail stores and their owners and relied heavily on videos, usually recorded by the store owner, to feature products and what made the store/vendor special. In addition to the web application a mobile application existed which allowed users to locate stores based on their current location. Ultimately, after reviewing the web, database, and mobile applications, Carter decided not to use the coding created by the Meagers and instead use an established e-Commerce platform with which Carter was more familiar.

Nick Meager: Upon information and belief, Nick Meager received the initial email from Respondents inquiring about the purchase of the MyStore.COM domain. He also was involved in the demo of the source code described above.

4. Please describe the sequence of offers and counter-offers leading to the transaction, including what each offer or counter-offer was, who made it, and when.

ANSWER: Todd Carter sent an email to Nick Meagher, the contact person listed on Whois for the MyStore.COM domain, inquiring about the purchase of the domain. Todd Meagher responded to him by telephone. Todd Meagher represented that he had over \$1 million invested in MyStore.COM and its associated technology, but would be willing to sell for \$800,000. We setup a meeting and Todd Meagher came to our offices in Chaska Minnesota. Michael Lindell and Meagher negotiated the price of the sale face-to-face. Meagher again stated that he had over \$1 million invested in MyStore.COM and its associated technology. Lindell offered \$300,000 for the domain name. Todd Meagher demonstrated Beta versions of the programming and technology that he had in place for the MyStore.COM website and mobile platforms. Meagher agreed to reduce his price to \$400,000 and include the MyStore social media user names and source codes that Meagher had developed for MyStore.com and its associated IOS and Android mobile applications. Respondents agreed. Respondents subsequently decided to not use the source codes developed by Meagher and instead are using an established e-commerce platform with which their CIO, Todd Carter, is more familiar.

5. Please describe all discussions with Todd Meagher concerning HEB and its lawsuit against Todd Meagher, including who participated in those discussions, when they occurred, and what was said.

ANSWER: Todd Meagher disclosed the existence of the lawsuit. He stated that his use of the MyStore trademark was prior to any use by HEB and that he was confident that he

would prevail. These representations were made on or about July 19, 2018 and August 29, 2018 to Michael Lindell and Joseph Springer, counsel to Respondents.

6. Please describe all discussions with Todd Meagher concerning his ownership of trademarks related to MyStore, MyStore.com, MiTienda, or MiTienda.com.

ANSWER: Meagher represented that he was the owner of the domain name MyStore.com. Meagher also stated that he his use of the MyStore and MyStore.COM trademarks was prior to any other use. Upon information and belief, Meager mentioned his ownership in Mi Tienda or Mi Tienda.com, but Respondents had no interest in those trademarks or URLs.

7. How do you intend to use the MyStore.com domain name?

ANSWER: Respondents object to this request as seeking information that is confidential and proprietary. Without waiving those objections, Respondents answer as follows: Respondents intend to use the domain as a business-to-consumer marketplace for new-to-market products that help consumers with their health or faith, and to also help inventors and new entrepreneurs bring their products directly to consumers.

8. What discussions have you had with Mr. Meagher regarding your acquiring any additional assets or services from Mr. Meagher, such as trademarks, business entities, domain names, software, website coding, or others?

ANSWER: Respondents discussed having Meagher's team modify the MyStore.COM software code to meet the needs of our business model. Respondents subsequently decided to use an established e-commerce platform with which their CIO, Todd Carter, is more familiar.

9. If there have been discussions as described in Interrogatory #8, describe the terms on which the parties have discussed, offered, or requested any additional assets or services.

ANSWER: No.

10. What ongoing or prospective business relationships do you have with Mr. Meagher or any of his companies?

ANSWER: At the end of September, Meager offered to have Michael Lindell join the advisory board of his OpenCircle.com venture in exchange for 5% equity in the entity. OpenCircle.COM is a social network that requires an invitation from an existing member and that is governed by members. It is unrelated to Respondents' plans for MyStore.COM. No documents have been exchanged to effectuate this transaction.

11. On what terms, if any, have you offered or agreed to pay any litigation costs or liability arising out of HEB's lawsuit against Todd Meagher?

ANSWER: Respondents have not offered or agreed to pay any litigation costs or liability arising out of HEB's lawsuit against Todd Meagher.

12. What valuations, if any, are you aware of relating to the MyStore domain name, trademark, or business?

ANSWER: Respondents are not aware of any valuations relating to the MyStore domain name, trademark, or business.

As to the Answers:

STATE OF MINNESOTA)
)SS
COUNTY OF CARVER)

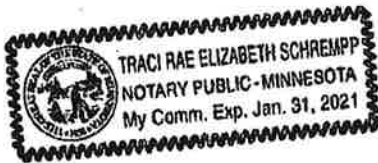
Dated: 11/9/18

Mike Lindell Products, LLC

By [Signature]

Michael J. Lindell, President

[Signature]
Michael J. Lindell



[Signature]
Notary Public

My commission expires Jan. 31, 2021

As to the objections:

11/9/18

[Signature]
Joseph Springer
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Chaska, MN | 55318
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jspringer@mypillow.com
**ATTORNEY FOR MICHAEL LINDELL
AND MIKE LINDELL PRODUCTS, LLC**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been served on all counsel of record on this 9th day of November, 2018, as follows:

Via Email

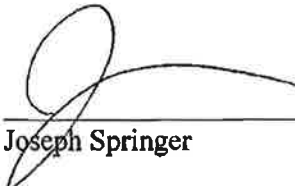
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